



Annual Report 2015



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The mission of the New York City Criminal Justice Agency, Inc.,
is to assist the courts and the City in reducing unnecessary pretrial detention.

ANNUAL REPORT

2015

Data are presented in this report for arrests occurring January 1 through December 31, 2015.

Post-arraignment outcomes for felony cases
are presented for arrests occurring January 1 through December 31, 2014.

All cases are tracked to June 30, 2016.

Supervised release program data are for clients accepted in 2014, with outcomes tracked to June 30, 2016.

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Message from the Acting Executive Director

The New York City Criminal Justice Agency is undergoing some key changes. As many of you know, our long-term Executive Director, Jerry McElroy, retired in April after 27 years of service to the Agency and to the City of New York. He has been a fixture of criminal justice planning in New York City and instrumental in the national pretrial movement working to expand the need for, and scope of, pretrial services nationally and regionally. All who met him were impressed with his knowledge of pretrial justice and with his pleasant, helpful demeanor. He is truly missed.

Our Board of Directors is moving forward to identify a new Executive Director. They have been working with a search firm actively identifying and interviewing candidates. We hope that there will be someone in place shortly after the New Year.

In addition to the search for a new Executive, the Board and the City are working with Bennett Midland, a consulting company, to create a strategic plan and vision for CJA's future growth. This strategic plan involves three phases:

First, the consultants are seeking to understand the work and operations of CJA through observation and meetings with many staff members. This process is leading to the identification of opportunities that can make our work even more meaningful and have a greater impact on the justice system in NYC.

Second, we are working with the consultants to gain a better idea of how others see us — judges, city planners, political leaders, prosecutors, defense attorneys, and others who interact with CJA and rely on our work. We also want to identify their needs as we go forward.

The third phase will take all of that information and, with the Board of Directors, the new Executive Director, and his or her executive staff, create a vision for the future of CJA — a better and brighter future.

We want to thank all — staff and practitioners — who have enthusiastically responded to the invitation to participate in the first fact-finding phase. It is an exciting time for CJA, and we will certainly share our experience with our pretrial partners.

While I have the opportunity to write about future plans and the work of CJA, I think it is appropriate to shine a spotlight on the CJA staff who work directly with defendants and the impact they have on the delivery of justice in our city. In 2015, staff interviewed 240,994 defendants arrested and held by the police for arraignment. Their reports included defendant-elicited information that was verified when possible, as well as pertinent criminal-history information. These reports formed the basis for release recommendations that assisted the court in making more informed release decisions at the time of arraignment. The release-on-recognizance rate at arraignment citywide for summary arrests in 2015 was 70%. This high rate of release was due in no small part to interviews performed by CJA's Pretrial Associates in central booking facilities.

Likewise, our Bail Expediting Programs seek to limit the number of defendants placed in Department of Correction custody because they are not able to post the cash bail imposed by the court. Defendants' family members or friends often do not know the bail amount or how to post bail at court. CJA staff work with the court clerks, Department of Correction, and families of the defendants to hold the arrested individuals at the court rather than transport them to Rikers Island, thus expediting their release by allowing the family time to bring the bail money to court. To aid those not able to gain release from court, our Pretrial Associates explain to family and friends how to post bail at the correctional facility so that they can be bailed out expeditiously. Such programs save the city millions of dollars in unnecessary jail costs and allow defendants

by Peter C. Kiers

to go on with their lives while continuing with their court appearances.

Defendants released either at court or from a correctional facility receive a computerized phone call up to three days prior to their next court appearance and a “wake up” call the morning of their court appearance. Those with cell phones and text message capability also receive a text message with the court-appearance information. Those without benefit of telephone receive a letter via U.S. mail approximately three days before the appearance. The court-date notification is a minimal, non-intrusive pretrial supervision tactic that reduces non-appearance bench warrants and allows cases to proceed while reducing failure to appear.

For defendants who happen to miss their court dates, and for whom the court has issued bench warrants, CJA Failure-to-Appear Units reach out and encourage them to return voluntarily. A combination of options is used to reach defendants and persuade them to return: live phone calls, letters, computerized calls during non-business hours, and text messages. In 2015, there were over 12,000 outstanding bench warrants issued for a non-appearance for summary cases. CJA Pretrial Associates were able to reach over 5,000 defendants who voluntarily returned within 29 days, saving court time and police department warrant squad resources. The court often dismisses bench warrants for voluntary return, improving defendant compliance. The savings in court time is considerable. CJA also provides this service to persons issued Desk Appearance Tickets, whose arraignments are often scheduled weeks after the ticket was issued.

Most people in New York City jails are held there because they are too poor to post bail. Over the last nine years, CJA has been involved in supervising pretrial defendants who would otherwise be held on money bail. These programs

are intended to provide an alternative to money. We currently operate such a Pretrial Supervision program in Queens. Clients, identified by CJA's Court Representatives and approved for an interview by their attorneys, are placed in the program by the court, evaluated for service needs, and are given supervision requirements including face-to-face meetings and telephone calls.

Participant case studies have shown that through the assistance of CJA Case Managers, program clients have responded positively to motivational interviewing, which focused on addressing treatment needs, as well as educational and/or vocational decisions. Clients have also been able to build on that progress in discussing and making some lifestyle changes. Supervised release has made a positive impact by minimizing the costs of incarceration, both institutional and individual, and by offering clients opportunities for voluntary treatment where appropriate. Kudos to our own staff who do this important work.

In 1964, then Attorney General Robert Kennedy convened a national conference in Washington to encourage federal, state, and local governments to re-examine bail laws and to create and expand alternatives to the discriminatory effects of money bail. In 2011, then Attorney General Eric Holder convened a similar conference to breathe new life into the nationwide efforts to reduce reliance on money bail and greatly expand alternative programs to assure appearance and protect public safety. Since then, several pretrial justice working groups have made significant progress in reforming pretrial justice practices, and in encouraging legislatures to make their policies and practices consistent with the American Bar Association standards on pretrial release. CJA has been active in working nationally with other pretrial professionals for a more just and rational system of pretrial decision-making in the near future.

Introduction

The New York City Criminal Justice Agency, Inc. (CJA), is a not-for-profit organization incorporated in the mid-1970s to provide pretrial services to defendants prosecuted in the adult criminal courts in New York City (NYC). Operating under a contract with the City of New York, the Agency has over 200 employees in offices in all five counties (boroughs) of the City.

The Agency is governed by a Board of Directors that includes the Director of the Mayor's Office of Criminal Justice. Its Executive Staff, located in the central office in Manhattan, consists of the Acting Executive Director and seven departmental directors. Daily operations are also overseen by two regional directors with offices elsewhere in the City.

CJA's Origins: The Manhattan Bail Project

CJA grew out of a research project of the Vera Institute of Justice, then the Vera Foundation, in the early 1960s. At that time Louis Schweitzer, a New York industrialist, was shocked to learn that large numbers of defendants were held in jail awaiting trial for no other reason than that they were too poor to post even small amounts of bail. Schweitzer was so disturbed by the plight of the "indigent accused," especially destitute youths, that he established the Vera Foundation to address this inequity.

The Vera Foundation's first initiative was the Manhattan Bail Project, launched in 1961 in conjunction with the New York University School of Law and the Institute of Judicial Administration. Project researchers gathered data on the administration of bail in Manhattan and introduced the use of release on recognizance (ROR) as an alternative to bail. They tested the hypothesis that defendants with strong community ties would return for scheduled court appearances, and that a greater number could be released if the courts had access to this information.

As a result of the Manhattan Bail Project, the Vera Institute developed a recommendation system based

on objective community-ties information obtained by interviewing defendants. The system was administered by the NYC Probation Department until 1973, when Vera created the Pretrial Services Agency (PTSA) to take over responsibility for making ROR recommendations. This recommendation system, which has served as a model for pretrial services programs nationwide, was evaluated in 1974 by renowned sociologist Paul Lazarsfeld. He found that judges often followed the recommendations, and that when defendants were released in spite of a negative recommendation, failure-to-appear (FTA) rates were higher in those cases.

In 1977, PTSA became independent from Vera and was incorporated as the New York City Criminal Justice Agency.

Goals and Activities

CJA continues to pursue the following goals:

- decreasing the number of days spent in detention by defendants who could be released to the community while awaiting trial;
- screening defendants for a range of noncustodial services through the community courts;
- reducing the rate of nonappearance in court by defendants who are released pretrial;
- providing information and research to criminal justice policy makers, City officials, and the public.

To achieve these goals, CJA engages in four principal activities, described on the following page:

Interview and Recommendation Notification Research Release Supervision

CJA also operates two special programs that further its goals in New York's four largest boroughs: the Bail Expediting Program (BEX) and FTA Units. They are described in Section X.

Interview and Recommendation

CJA personnel interview defendants who, after arrest, are held for arraignment in the lower court (Criminal Court) in New York City. The purpose of the interview is to provide judges, prosecutors, and defense counsel with background information on defendants in order to assist in determining the likelihood that individual defendants, if released, will return for scheduled court dates.

Normally, the interview takes place in one of the Police Department's central booking facilities in the hours between the arrest and the defendant's first appearance before a judge.

During the interview, information is collected on the defendant's occupation, residence, and family status. Attempts are made to verify many of these items through telephone calls made to a relative or someone else named by the defendant. The defendant's history of previous convictions, bench warrants, and current open cases is also entered on the interview report. Selected items are then used to calculate an objective score that reflects the estimated risk of nonappearance and is the basis for assigning a recommendation category for each adult defendant. A separate recommendation system is used for youths under 16 years of age who are prosecuted as adults under New York State's Juvenile Offender (JO) Law. Both systems are described in Section IV.

In addition to the standard interview, CJA conducts an extended interview at the community courts in Manhattan and Brooklyn to determine suitable community service projects for defendants, and their social service needs, such as drug treatment.

The CJA recommendation is only one of a number of factors judges in New York City consider in making release decisions. The recommendation assesses the defendant's likelihood of returning to court, if released, but does not constitute an unconditional recommendation for release.

Notification

The Agency attempts to notify all released defendants, by mail or telephone, of all scheduled court appearances. Defendants released on desk appearance tickets (DATs) are also notified of their scheduled arraignment. The notification system is described, and data are presented, in Section IX.

The Operations Department is responsible for interview, recommendation, and notification functions, as well as the Bail Expediting Program and FTA Units.

Research

The Research Department maintains an ongoing program of evaluation and research aimed at improving Agency operations, providing summary data relevant to criminal justice policy issues, and investigating special interest topics. The research agenda covers a broad array of criminal justice policy concerns. In 2002 CJA launched its *Research Brief* series, presenting highlights of recently completed research projects. The *Briefs* are posted on the CJA website along with the full reports upon which they are based. A listing of recent CJA research reports available on our website can be found inside the back cover.

Release Supervision

Since August 2009, CJA has operated a supervised release program in Queens for nonviolent felony defendants who meet strict criteria. In 2013 CJA began operating a similar program in Manhattan. In 2016 supervised release was expanded to all boroughs. CJA continues to operate the program in Queens. Another organization now operates the Manhattan program. The supervised release programs are described in Section XI.

CJA Database

In order to perform its operational and research activities, CJA maintains a sophisticated database that includes background and court-processing information on virtually every adult arrested in New York City.

Introduction

Arrest data are received by CJA through automated electronic transmissions from the New York City Police Department (NYPD), and case-processing data from the Office of Court Administration (OCA). Criminal history, demographic, and community-ties information are recorded by CJA interviewers using tablets and laptops. Information about defendants' out-of-court bail making is transmitted to CJA by the New York City Department of Correction (DOC).

The database contains case-processing data for Criminal Court since September 1979 and for Supreme Court since July 1987. The information about each case includes the outcome of every court appearance through sentencing.

CJA's Information Systems Department is responsible for managing the database, which resides in a hybrid OpenVMS/Win32 platform. We are currently migrating to a new platform consisting of Microsoft SQL Server Enterprise© hosted in a virtual operating system environment. This platform provides more processing power and application flexibility. It combines with a custom application to improve navigation, streamline workflow, automate business processes and reporting, and simplify data analysis.

The Systems Department also manages the Agency's large local area network of personal computers

and a wide area network linking borough offices. In addition, Systems staff handle a broad range of computer tasks from programming automated notification procedures to extracting specialized data files.

CJA is not itself an official source of arrest or court-processing data, although the Agency receives most of its data from official sources (NYPD, OCA, and DOC). Because of our operational mission, the criteria for inclusion of cases and the timing of collected information lead to differences with official data.

Benefits to the City and State from sharing data with CJA are to be found in the Agency's accomplishments in reducing unnecessary pretrial detention, lowering FTA rates, and providing research and information services—none of which could be done nearly as well or as efficiently, if at all, without the valuable resource of a comprehensive database that combines information from many sources.

In addition, CJA's Planning Department, together with the Information Systems Department, monitors the data entering our database from all sources. When anomalies occur—as can happen, particularly when changes are introduced in the court system—CJA alerts the State or City agency involved and actively helps to devise a remedy.

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Part A

Arrest & Arraignment Data

2015 Arrests

I. Interview Volume

During 2015, CJA conducted interviews in 240,994 cases of defendants held for Criminal Court arraignment. The total includes cases in which the defendant declined to be interviewed or refused to answer certain questions. In these cases, CJA approached the defendant, collected criminal history information, and assigned a recommendation category.

Exhibit 1 shows that Brooklyn had the largest volume of interviews (29%), followed by Manhattan with 28%, the Bronx and Queens (both 20%), and Staten Island with 3%. The totals for Manhattan and Brooklyn include

the community courts that operate in these two boroughs.

The Midtown Community Court in Manhattan began operations in 1993, and Brooklyn's Red Hook Community Justice Center in 2000. The community courts offer a wide variety of services and alternative sanctions not available in the central courts. To assist judges in assessing defendants' needs, CJA staff conduct a more detailed, longer interview in the two community courts.

A defendant may be represented in the data more than once if he or she was re-arrested during the reporting period.

Note about the cases included in this report:

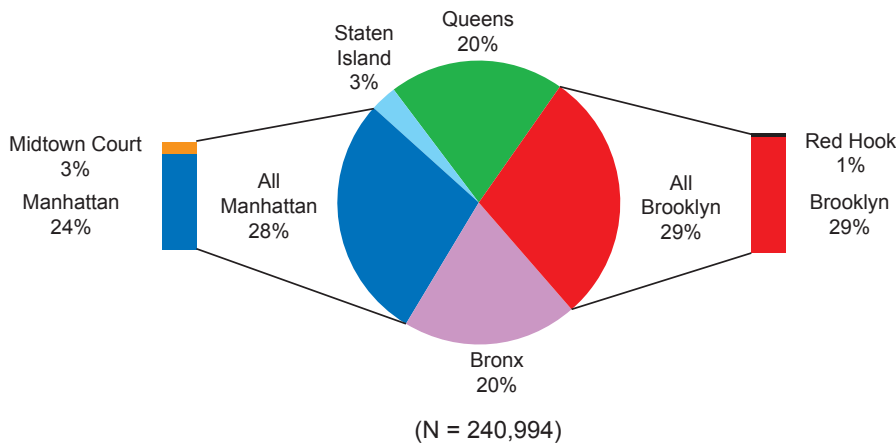
Most defendants are interviewed by CJA, and they are included in Exhibit 1. Cases of defendants who were issued desk appearance tickets (DATs) are not usually interviewed (except in the Midtown Community Court) and consequently they are not included in Exhibit 1. Those who receive a DAT are released after arrest and scheduled to return for arraignment at a later date; there is no opportunity for a CJA interview prior to arraignment.

Others not interviewed by CJA include those arrested solely on a bench warrant or while in the custody of the New York City Department of Correction, and arrestees who were arraigned in a hospital without going through a Police Department central booking facility. Previously those arrested in Manhattan solely on prostitution-related charges and held for arraignment in the downtown Manhattan Criminal Court were also not interviewed; since October 2013, however, nearly everyone charged with prostitution is interviewed.

Cases of defendants whom CJA did not attempt to interview are **not** included in Exhibit 1, but they **are** included in all the following exhibits (unless otherwise noted).

Another difference between the cases in Exhibit 1 and all other exhibits is that nonprosecuted cases **are** included in Exhibit 1, whereas they are **not** included elsewhere.

Exhibit 1
Distribution Of Interviewed Cases
By Borough
 (Arrests January – December 2015)



The total of borough categories may not equal 100%, and the totals of the sub-categories for All Manhattan and All Brooklyn may not equal the total percent for each, because of rounding.

II. Demographics

Sex & Employment

As shown in Exhibit 2, there were 294,699 prosecuted cases during the reporting period (including some for which no interview was conducted). In 83% of cases the defendant was male and in 17% of cases the defendant was female (pie chart on the left).

The relationship between sex and likelihood of employment is shown in the bar chart on the right. "Employment" here refers to school or a training program as well as work. Males were more likely than females to be employed, in school, or in a training program full time. Such full-time activity was reported by 46% of males, as compared to 38% of females.

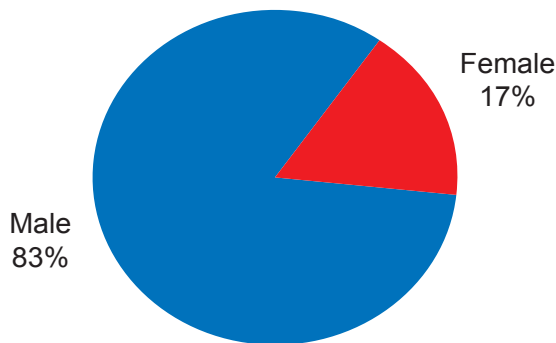
Arrests that were not prosecuted are excluded from the remainder of this report. The exhibits presenting demographic data include all docketed cases.

The number of cases included in the demographic pie charts is larger than the number of interviewed cases reported in Exhibit 1 because of the addition of DAT cases and cases of other defendants who were not interviewed. This more than offsets the decrease resulting from the exclusion of nondocketed cases from Exhibit 2 and subsequent exhibits.

Information about the defendant's sex is received from the NYPD in the absence of interview data. Employment data reflect the defendant's interview responses, combining verified and unverified responses. The bar chart excludes cases of defendants for whom sex or employment information was lacking.

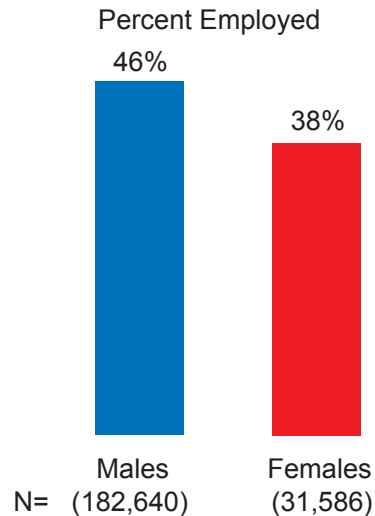
Exhibit 2
Distribution Of Prosecuted Cases
By Sex And Employment Of Defendant
(Arrests January – December 2015)

Distribution By Sex



(N = 294,699)

Full-Time Employment By Sex
(Including School Or Training Program)



Demographics

Age & Employment

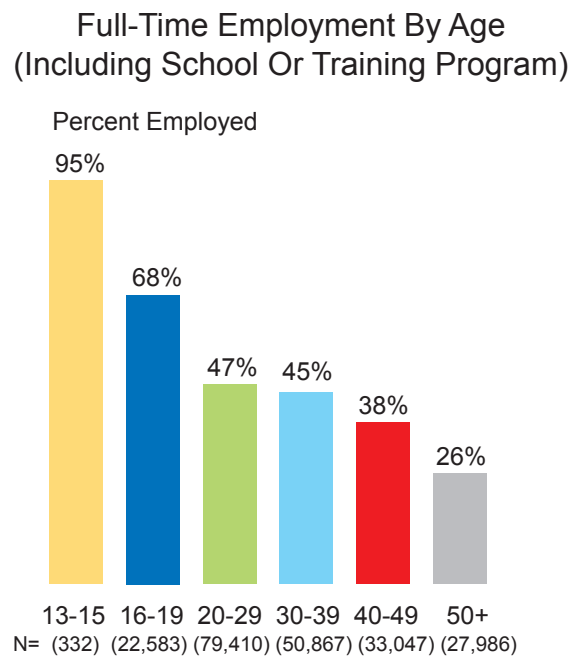
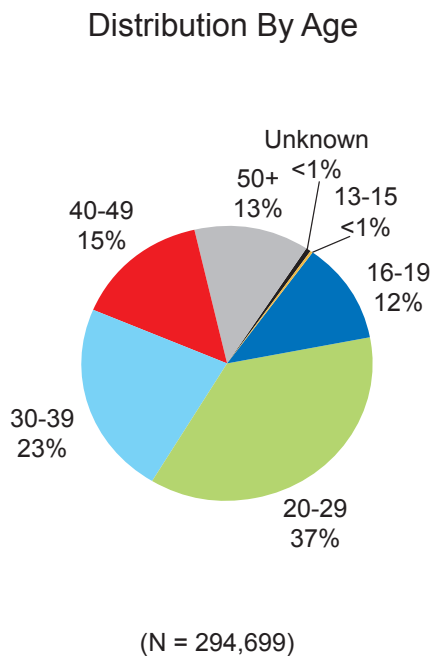
In approximately half of the prosecuted cases, the defendant was under the age of 30, and in only 13% of cases was the defendant as old as 50 (Exhibit 3, pie chart on left). Juvenile offenders (youths under the age of 16 who are prosecuted in adult court for specified violent felony offenses) made up less than 1% of the defendant population. Defendants in their twenties accounted for more than a third of all cases. The youngest group was by far the most likely to report a full-time activity because most were in school (95%, bar chart). Many aged 16 to 19 were also in school, with 68% reporting a full-time activity. The level of full-time activity dropped within each age group, from 47% for defendants in their twenties to 26% for those 50 years of age or older.

Cases included in the exhibits:

The pie chart includes all docketed cases. Information about the defendant's age is received from the NYPD in the absence of interview data. Employment data reflect the defendant's interview responses, combining verified and unverified responses.

The bar chart excludes cases of defendants for whom age was unknown or for whom employment information was lacking. Most defendants issued a desk appearance ticket are excluded from the bar chart because they were not interviewed; thus no employment information was collected.

Exhibit 3
 Distribution Of Prosecuted Cases
 By Age And Employment Of Defendant
 (Arrests January – December 2015)



Ethnicity & Employment

Exhibit 4 (pie chart) shows the ethnic distribution of defendants: black, 48%; Hispanic, 33%; white, 12%; other, 7%; and unknown (<1%).

Defendants in the “other” ethnic category, the majority of whom were categorized as Asian, were most likely to be employed, in school, or in a training program full time (52%, bar chart). Whites and Hispanics had the next highest rates, with 46% and 47% respectively reporting a full-time activity. Fewer blacks (42%) reported a full-time activity.

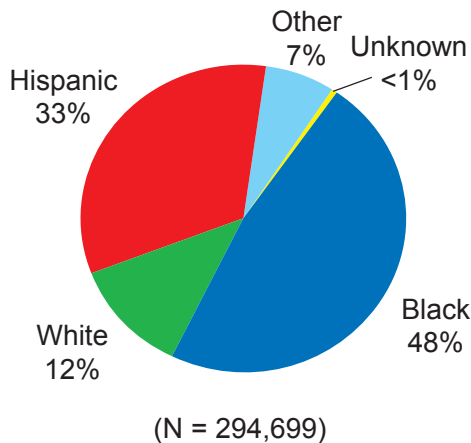
Cases included in the exhibits:

The pie chart includes all docketed cases.

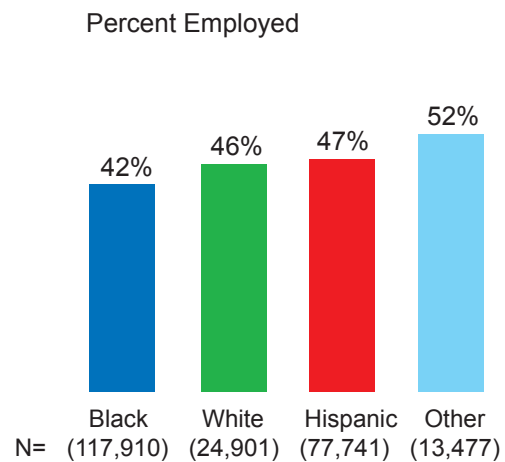
The bar chart excludes cases of defendants for whom ethnicity was unknown or for whom employment information was lacking. Most defendants issued a desk appearance ticket are excluded from the bar chart because they were not interviewed; thus no employment information was collected.

Exhibit 4
Distribution Of Prosecuted Cases
By Ethnicity And Employment Of Defendant
(Arrests January – December 2015)

Distribution By Ethnicity



Full-Time Employment By Ethnicity
(Including School or Training Program)



Percentages may not total 100% because of rounding.

Sources of Ethnicity and Employment Data

Employment data reflect the defendant’s interview responses, combining verified and unverified responses.

Ethnicity data are also collected in the CJA interview: arrestees are first asked if they are Hispanic, and if the answer is negative, ethnicity is recorded from observation. If it is unclear to the interviewer, the arrestee is asked which category provides the best description. Ethnicity is received from the NYPD in the absence of interview data.

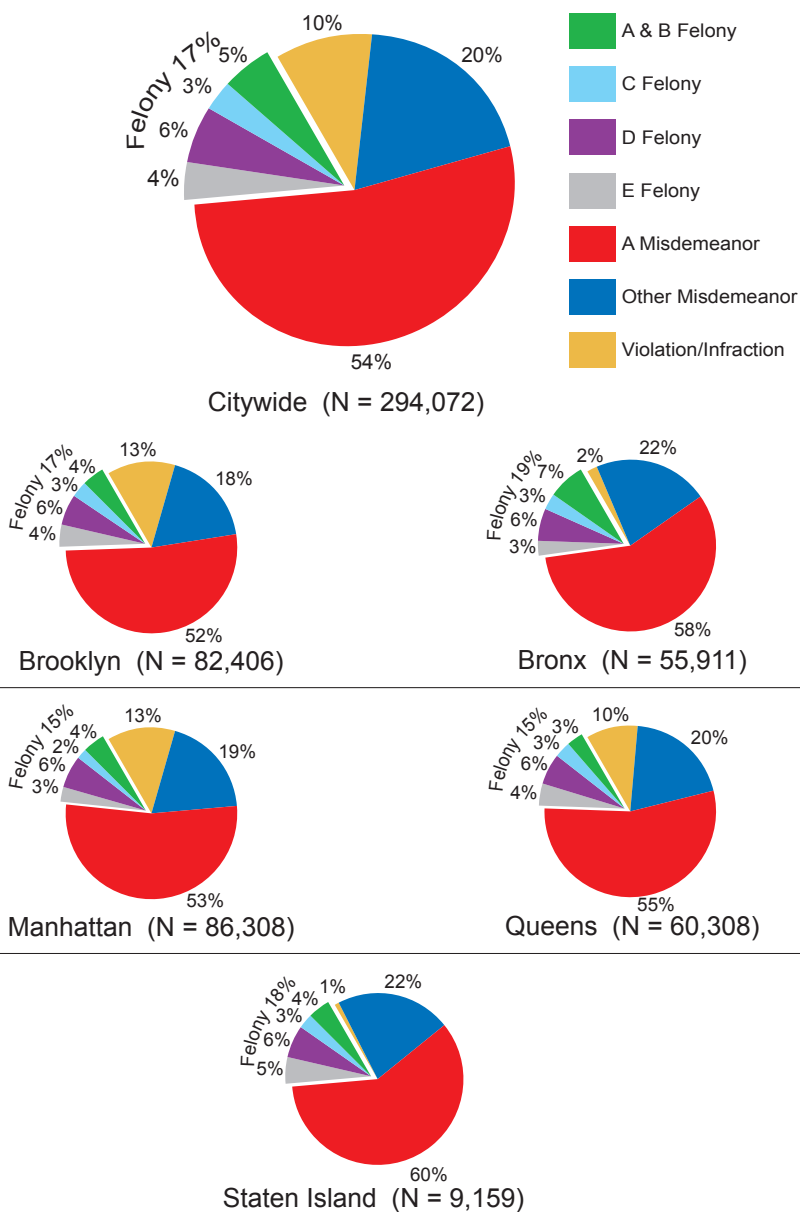
III. Charge Severity And Type

Exhibit 5 shows that over half of the cases entering arraignment Citywide had a class A misdemeanor as the most severe charge (54%). Another 20% had a class B or unclassified misdemeanor as the most severe charge, and 10% had no charge more severe than a non-criminal violation or infraction. Fewer than one in five cases (17%) entered arraignment with a felony charge.

The most severe offenses, class A and B felonies, were charged in 5% of cases entering arraignment.

There were differences in charge severity by borough. For example, charges in the Bronx tended to be more severe than in other boroughs. In the Bronx, 7% had a Class A or B felony charge, more than any other borough. The Bronx also had the highest proportion of cases with any felony charge (19%).

Exhibit 5
Severity Of The Top Charge Entering Arraignment
Citywide And By Borough
(Arrests January – December 2015)

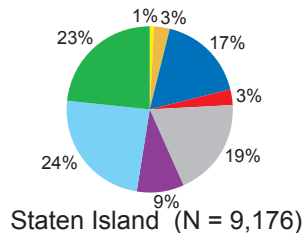
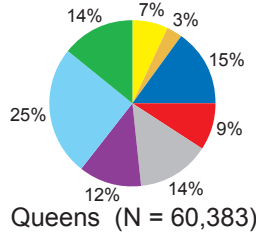
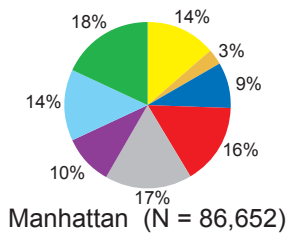
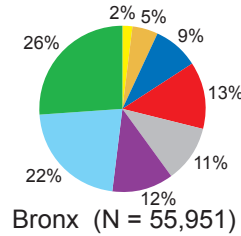
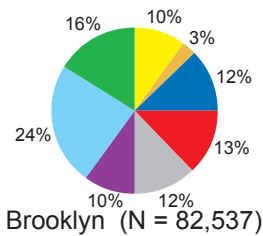
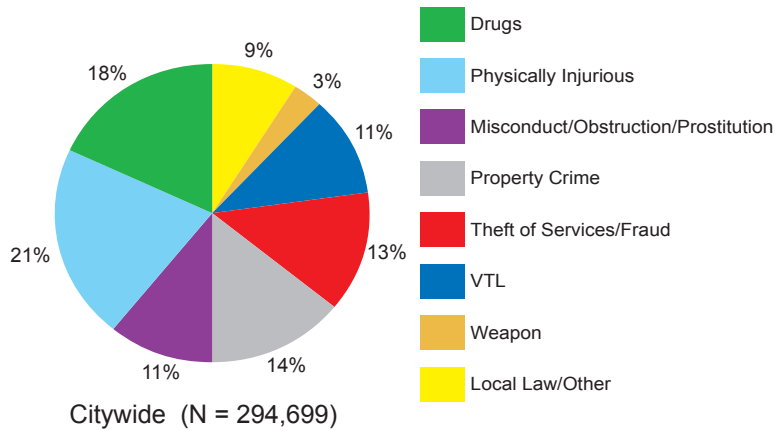


Cases included in Exhibit 5: All docketed cases (including DATs) with a charge of known severity entering arraignment. Cases for which charge severity was unknown were excluded. In 2015 there were 607 cases (0.2% of the total) excluded from Exhibit 5 because of missing severity data; most of these were offenses under New York City's Administrative Code.

Please see the note on p. 46 under "Charge Type & Severity" before making comparisons with previous years.

The total of severity categories may not equal 100%, and the total of felony classes may not equal the total percent felony, because of rounding.

Exhibit 6
Offense Type Of The Top Charge Entering Arraignment
Citywide And By Borough
 (Arrests January – December 2015)



The defendant was arraigned on a “physically injurious” charge in 21% of cases (Exhibit 6). This offense type includes homicide, arson, assault, violent sex offenses, kidnapping, robbery, and other crimes of physical harm. This was the most common offense type Citywide, followed by drug charges (18%). Property crimes were the next most frequent at 14%, followed by theft of services and fraud (13%).

Misconduct (criminal trespass, disorderly conduct, etc.), obstruction of justice (criminal contempt, resisting arrest), and prostitution together accounted for 11% of cases Citywide, as did offenses under the Vehicle and Traffic Law (VTL).

A weapon charge was the top charge entering arraignment in a small percentage of cases (3%).

Offenses against local laws (mostly Administrative Code, Transit Authority rules, Park Rules, and Tax Law) plus a few unspecified or missing charges make up the remaining category. These charges, which accounted for 9% of the total, are primarily non-criminal violations and infractions.

Borough differences were most notable regarding the percentage of drug cases (the Bronx: 26%, compared to Queens: 14%) and local law cases (Manhattan 14%, compared to Staten Island, 1%).

Cases included in Exhibit 6: All docketed cases (including DATs). Prior to 2014, cases with a charge outside the Penal Law or Vehicle and Traffic Law were excluded from this exhibit, but this report includes them in Exhibit 6, grouped together in the category “Local Law/Other.” A handful of cases with missing charge data are also included in this category. Please see the note on p. 46 under “Charge Type & Severity” before making comparisons with previous years.

IV. CJA Release Recommendation

The current system for recommending adult defendants for release on recognizance (ROR) at arraignment was introduced in New York City lower courts (Criminal Court) in June 2003. The system incorporates community-ties and criminal-history items that have been found to have a strong empirical relationship with the likelihood that defendants will appear for scheduled court dates, which is the only criterion for release authorized by New York bail law.

An objective score is calculated for each adult defendant using the items shown in the box at right. CJA staff attempt to verify the first three items by calling a contact person named by the defendant. Positive points are awarded for Y (yes) or YV (yes verified) responses, and the defendant is penalized with negative points for N (no) or NV (no verified) responses. For the question about employment, negative points are given if the defendant and the contact person give discrepant responses (UC, or unresolved conflict).

The score is then calculated by tallying the negative and positive points. Based on this score, each defendant's risk of failure to appear is assessed as low (recommended for ROR), moderate (moderate risk for ROR), or high (not recommended). Also not recommended are those to whom a policy exclusion applies because of an outstanding warrant, a bail-jumping charge, or conflicting residence information. The no recommendation category is assigned when the rap sheet is unavailable, the defendant is charged with murder, or the interview is incomplete.

Because the recommendation does not take into account all factors listed in the New York bail statute (CPL §510.30), it is not an unconditional recommendation. Rather, it is an indication of the defendant's likelihood of returning to court, if released.

Research is underway to revise this system to improve the prediction accuracy of the current release recommendation by using recent data, more advanced statistical methods, and additional predictors of risk.

CJA Recommendation Point System

	Y	YV	N	NV	UC
1. Does the defendant have a working telephone or cellphone?	1	1	-2	-2	0
2. Does the defendant report a NYC area address?	0	3	-2	-2	0
3. Is the defendant employed / in school / in training program full time?	1	1	-1	-1	-2
4. Does the defendant expect someone at arraignment?	1	X	-1	X	X
5. Does the prior bench warrant count equal zero?	5	X	-5	X	X
6. Does the open case count equal zero?	1	X	-1	X	X
Column totals					
Subtotals A = Y+YV B = N+NV+UC	A		B		
Total Score	A minus B				

RECOMMENDATION CATEGORIES

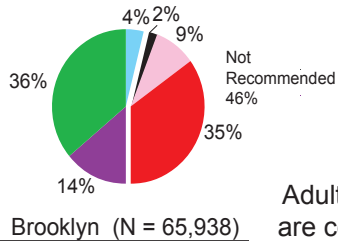
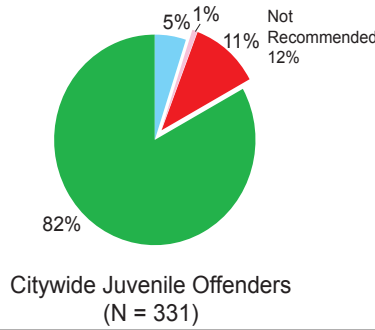
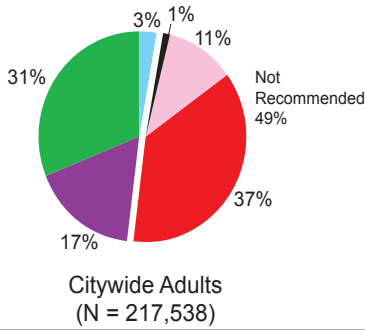
- Recommended for ROR (low risk)** +7 to +12 pts
- Moderate Risk for ROR** +3 to +6 pts
- Not Recommended for ROR (high risk)** -13 to +2 pts

Or a policy exclusion applies:
 Bench warrant attached to rap sheet;
 Defendant is charged with bail jumping; or,
 Conflicting residence information.

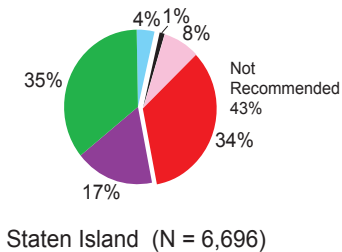
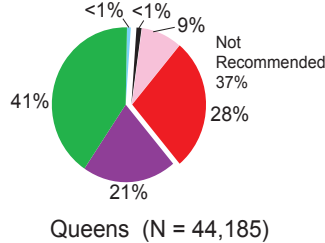
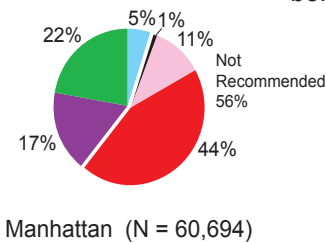
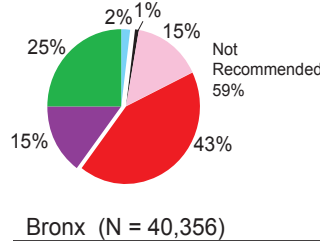
- No Recommendation**
 Rap sheet unavailable;
 Defendant charged with murder (or attempted),
 escape or absconding, or incarcerated at time of
 arrest; or,
 Declined or Incomplete interview.

A separate recommendation system is used for juvenile offenders (youths between the ages of 13 and 15 prosecuted in adult court for certain serious offenses). The requirement for a juvenile offender (JO) recommendation is *either* verified school attendance, *or* expecting someone at arraignment. JOs with verified nonattendance at school are not recommended. JOs with an outstanding warrant were also counted as not recommended. No recommendation is assigned in JO cases with an unavailable rap sheet, a murder charge, or an incomplete interview.

Exhibit 7
CJA Recommendation, Citywide And By Borough
 (Arrests January – December 2015)



Adults and JOs are combined in borough data.



- Recommended (Low Risk)
- Moderate Risk
- High Risk
- Warrant or bail-jumping charge
- Conflicting residence information
- No Recommendation

Percentages may not total 100%, and the "Not Recommended" total may not equal the sum of slices, because of rounding.

Exhibit 7 shows that 31% of adult defendants Citywide (top left) were recommended for ROR; 17% were categorized as a moderate flight risk; and 49% were not recommended (11% because of an outstanding warrant). The remainder (3%) had no recommendation.

For juvenile offenders (top right), the recommendation rate was much higher: 82% were recommended for ROR; 12% were not recommended (1% because of an outstanding warrant); and 5% had no recommendation. JOs are reported separately only in Citywide data because of the small number of cases (N=331).

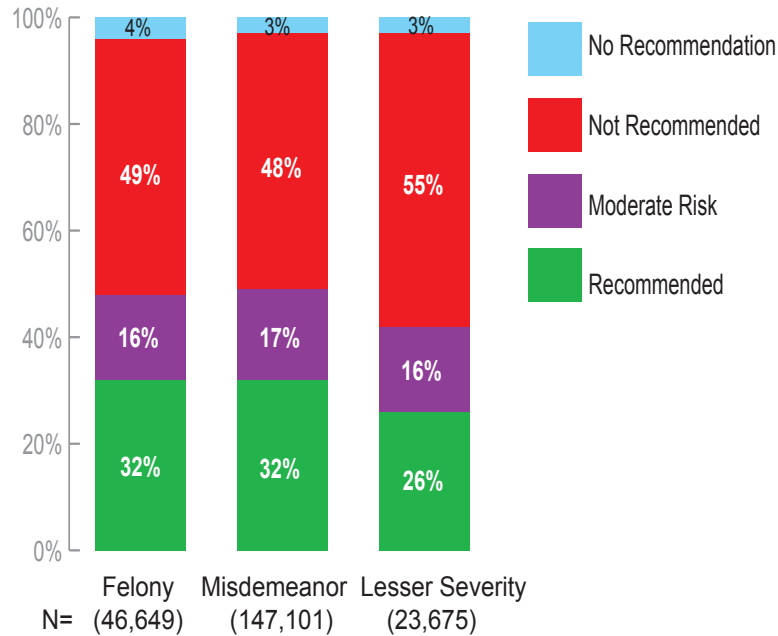
Borough differences

Defendants in Queens cases were most likely to be recommended (41%). Queens had nearly double the recommended proportion found in Manhattan (22%) and was also much higher than the Bronx (25%).

Queens defendants were also least likely to be assigned to a not recommended category (37%). This compares to much higher not recommended rates in the Bronx (59%) and Manhattan (56%).

Cases included in Exhibit 7: All docketed cases with a CJA recommendation. This excludes most defendants who were issued a DAT because no recommendation is made for defendants who are not interviewed.

Exhibit 8
 CJA Recommendation By Charge Severity At Criminal Court Arraignment
 (Arrests January – December 2015)



Percentages may not total 100% because of rounding.

The CJA recommendation is unrelated to the severity of the offense. Exhibit 8 shows that about half of both felony and misdemeanor cases had a defendant who was either recommended or assigned to the moderate risk category. The recommended proportion was virtually identical for felony and misdemeanor cases (32% for each, after rounding).

Among cases with a top charge of lesser severity (violation or infraction), the proportion of recommended defendants was somewhat smaller (26%).

In addition, there was very little difference between felony and misdemeanor charges in regard to proportions of cases with a defendant who was not recommended or had no recommendation. The proportion of cases with a defendant who was not recommended by CJA was 49% for defendants charged with a felony, and 48% for defendants charged with a misdemeanor. A somewhat higher percentage of defendants charged with a lesser offense were not recommended (55%).

Charge severity refers to the severity class of the top charge entering Criminal Court arraignment.

Cases included in Exhibit 8: All docketed cases with a CJA recommendation and a known charge severity. This excludes most defendants who were issued a DAT because no recommendation is made for defendants who are not interviewed.

Recommendation categories for JOs and adults are combined in this exhibit and in all subsequent exhibits that present CJA recommendation data.

V. Criminal Court Arraignment

Exhibit 9 shows disposition and release rates at Criminal Court arraignment, Citywide (A, this page) and by borough (B, next page).

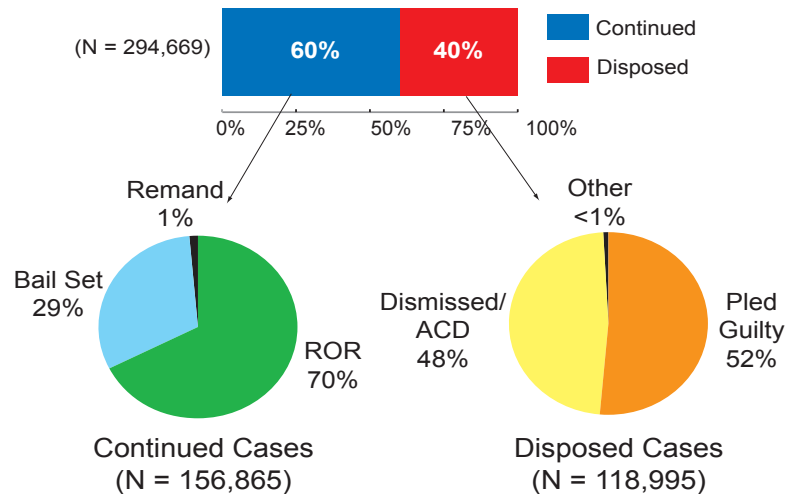
New York City has a two-tiered court system in which virtually all cases begin in Criminal Court. Cases sustained at the felony level must be brought for prosecution into a superior court. At Criminal Court arraignment, a felony case may be continued awaiting an indictment or Grand Jury waiver; or it may be disposed by dismissal, by a transfer to another jurisdiction, or by a plea to a reduced charge less severe than a felony.

Disposition Rates

A minority of cases (40%) were disposed at arraignment. Borough variations ranged from only 25% disposed at arraignment in Staten Island to 47% in Manhattan.

A case was considered disposed at arraignment if the defendant pled guilty (52% of disposed cases Citywide), if the case was adjourned in contemplation of dismissal (ACD) or dismissed (48%), or transferred to another court, including a transfer to Supreme Court (Other, <1%). Of disposed cases, the proportion in which the defendant pled guilty at arraignment was particularly high in Staten Island (79%).

Exhibit 9
Criminal Court Arraignment Outcomes
(Arrests January – December 2015)
(A) CITYWIDE



Percentages may not total 100% because of rounding.
The sum of the Ns for the pie charts (275,860) is less than the total N shown next to the top bar (294,669) because not all continued cases were included in the pie chart, as explained in the box below.

Release Rates

Of the nondisposed (continued) cases Citywide, the defendant in 70% of cases was released on recognizance (ROR). Bail was set in 29% and the defendant was remanded without bail in 1% of continued cases.

The ROR rate was 70% or higher in Brooklyn, the Bronx, and Queens. ROR rates were slightly lower in Manhattan and Staten Island (67%), where the proportion

All docketed cases, including DATs, were included in Exhibit 9.
Cases with no release data were excluded from the pie charts of continued cases. The excluded cases were primarily those of defendants who did not appear for a DAT arraignment, along with a smaller number of hospital arraignments.

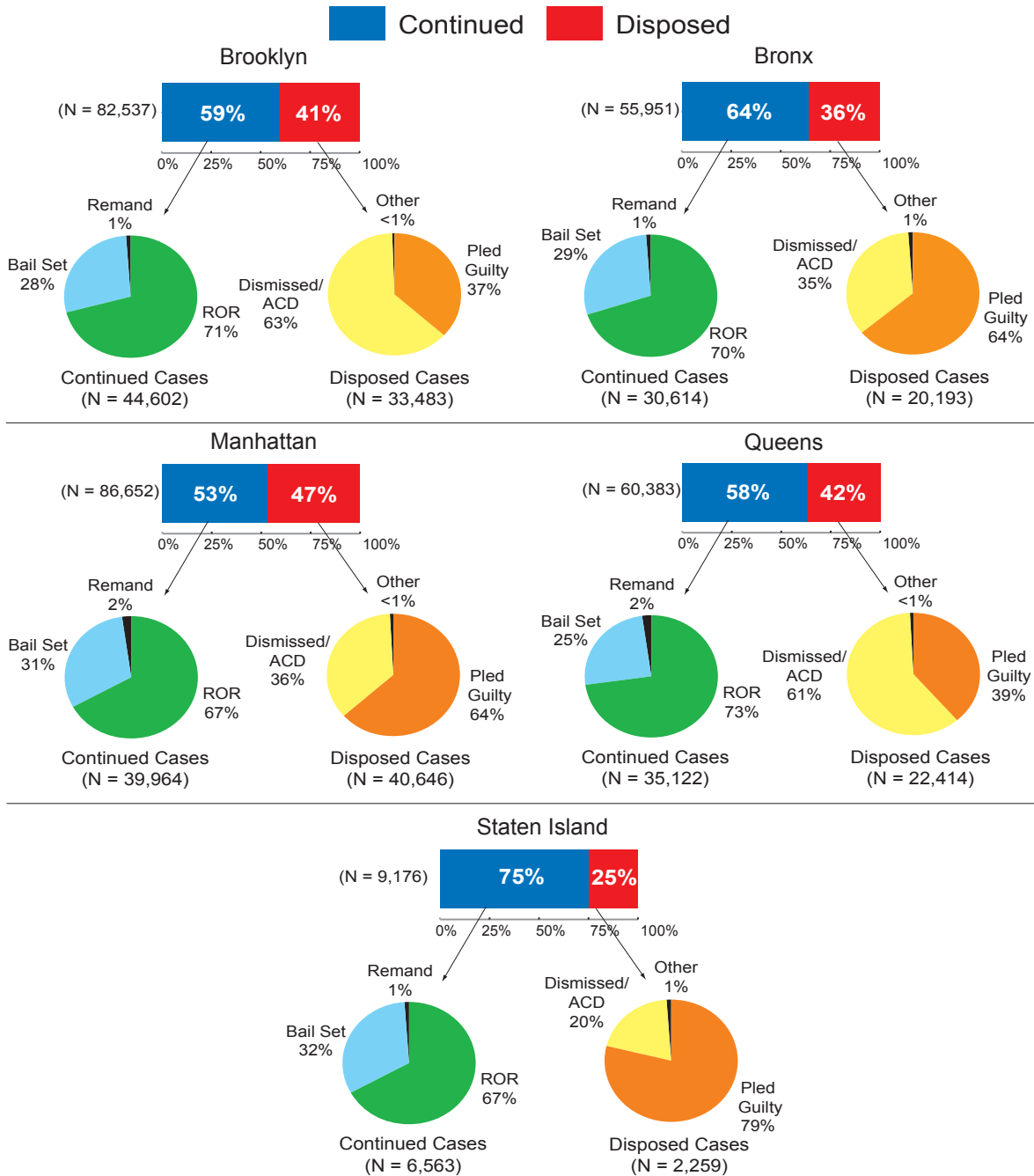
in which bail was set was correspondingly higher (31% and 32%, respectively.)

Bronx Court Structure

In October 2012, the Bronx ended an experiment that had consolidated most Criminal Court and Supreme Court functions since November 2004. The Bronx now uses the same two-tier structure used elsewhere in the City. The 2013 Annual Report was the first since 2003 in which the same court structure was in effect throughout the City for the entire reporting period. As a result, Criminal Court arraignment outcomes in the Bronx look very different for years prior to 2013 compared to subsequent years, when most Bronx cases were transferred to Supreme Court at arraignment (included in the "Other" disposition category). From 2013 forward, arraignment outcomes are more directly comparable from borough to borough.

Criminal Court Arraignment

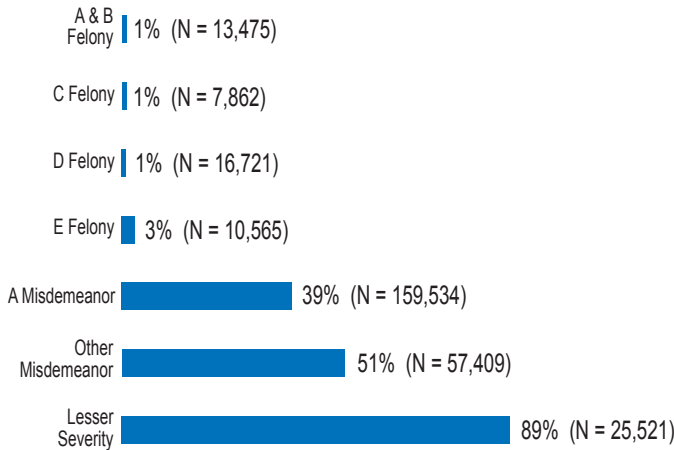
Exhibit 9
Criminal Court Arraignment Outcomes
(Arrests January – December 2015)
(B) BY BOROUGH



Percentages may not total 100% because of rounding.

Criminal Court Arraignment

Exhibit 10
Disposition Rates
At Criminal Court Arraignment
By Charge Severity
(Arrests January – December 2015)



Prior to 2013 many local law charges of low severity were excluded because their severity class was unknown. Beginning in 2014 CJA began manually entering the severity of virtually all cases with these charges. Please see the note on p. 46 under “Charge Type & Severity” before making comparisons with previous years.

Exhibit 10 displays the relationship between the severity of the charge entering arraignment and the disposition rate.

Guilty pleas cannot be entered in Criminal Court on felony charges, so only a small fraction of felony cases were disposed at Criminal Court arraignment: 3% or less for each level of severity. In these cases, the charges were dismissed, or the case was transferred to another jurisdiction (including Supreme Court), or the charge was reduced to a non-felony before a guilty plea was entered.

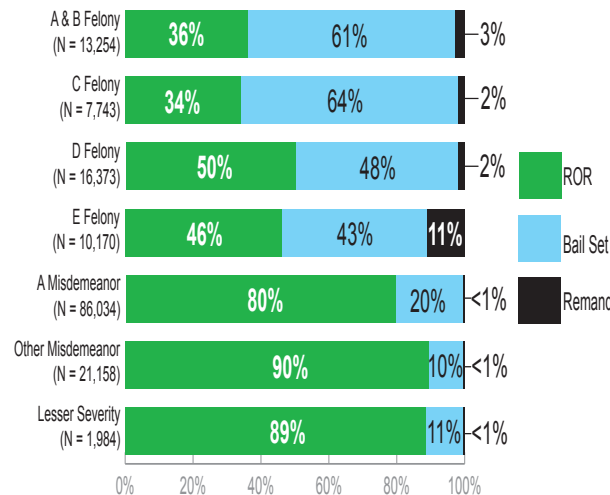
For non-felony cases, disposition rates at arraignment ranged from 39% for class A misdemeanors to 51% for lower level misdemeanors and 89% for cases with noncriminal charges (violations and infractions).

Bronx Court Structure
Before 2013, this exhibit presented data for the Bronx separately because arraignment disposition rates there were not comparable to the rest of the City. In October 2012 the Bronx reverted to the same two-tiered court structure used in the other four boroughs, allowing us to include the Bronx in Citywide rates starting in 2013.

Exhibit 11 displays the relationship between the severity of the charge entering arraignment and release status, for defendants in continued (nondisposed) cases. The more serious the charge, the less likely was the defendant to be granted ROR. ROR was granted in 36% of cases of defendants charged with a class A or B felony, compared to 80% of cases of defendants charged with a class A misdemeanor. ROR was granted in 90% of lesser severity misdemeanors and in 89% of non-criminal violations and infractions.

All docketed cases, including DATs, are included in Exhibits 10 and 11. Cases with missing or unknown charge severity were excluded. Cases disposed at arraignment and cases with no release status were also excluded from Exhibit 11.

Exhibit 11
Release Status Leaving Criminal Court Arraignment
By Charge Severity
(Arrests January – December 2015)
(Continued Cases Only)



A relatively high proportion of class E felony cases had a defendant who was remanded without bail (11%) because an E felony offense is used to charge defendants who are held for extradition to another jurisdiction.

Criminal Court Arraignment

Relationship Between ROR Rate At Arraignment In Criminal Court & CJA Recommendation

Exhibit 12 shows, separately for felony and non-felony cases, the relationship between ROR and the CJA recommendation for cases that were not disposed at arraignment in Criminal Court.

Cases of defendants who were recommended for ROR had higher release rates than cases of defendants who were assessed to be at moderate risk of failure to appear, and much higher release rates than cases of defendants who were not recommended. This relationship was found among felony and non-felony cases alike.

Among cases with a defendant who was recommended for release, ROR was granted in 62% of felony cases and 94% of non-felony cases. The ROR rates for moderate-risk defendants were 57% (felony) and 90% (felony) and 90% (non-felony).

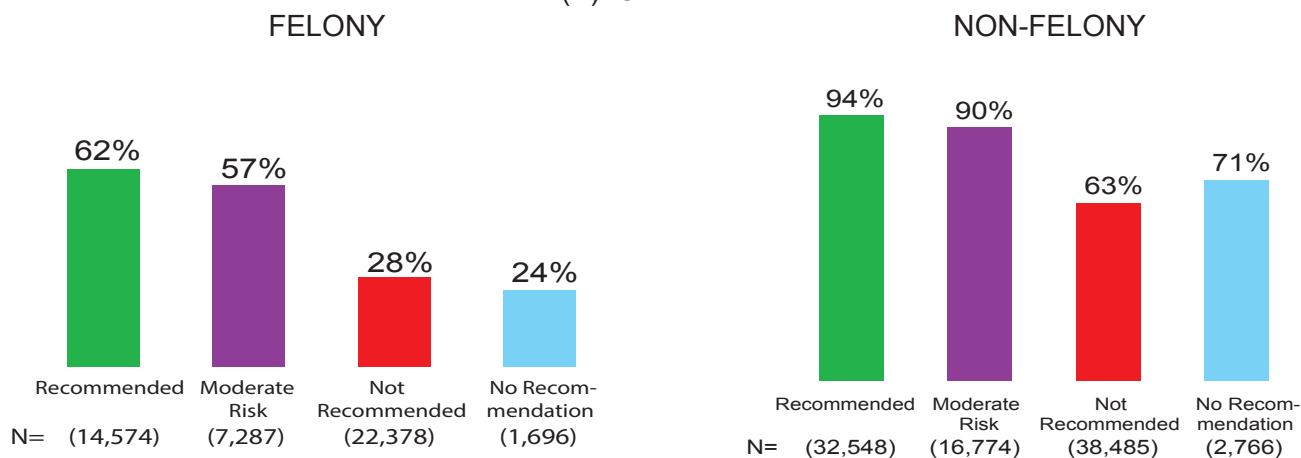
Defendants who were not recommended or received no recommendation had much lower ROR rates.

The same pattern was found in each borough, as shown on the following page. Within each borough and level of charge severity, ROR rates for recommended defendants were a little higher than for moderate-risk defendants, and rates for both recommendation categories were much higher than for defendants who were not recommended or for whom no recommendation was made.

The highest ROR rates were found among non-felony cases with a recommended defendant. In every borough, the defendant was released on recognizance in 92% or more of such cases.

All docketed cases with a CJA recommendation that were continued at arraignment were included in Exhibit 12. Cases in which the defendant was not interviewed (most DAT cases), as well as cases missing arraignment release data, were excluded.

Exhibit 12
 ROR Rates At Criminal Court Arraignment
 By CJA Recommendation, Separately For Felony And Non-Felony Cases
 (Arrests January – December 2015)
 (Continued Cases Only)
 (A) CITYWIDE



Note: All data are for 2015 arrests. In the post-arraignment section starting on page 29, outcomes for felony cases are reported for 2014 arrests.

Criminal Court Arraignment

Exhibit 12
 ROR Rates At Criminal Court Arraignment
 By CJA Recommendation, Separately For Felony And Non-Felony Cases
 (Arrests January – December 2015)
 (Continued Cases Only)
 (B) BY BOROUGH



Criminal Court Arraignment

Bail Set & Made At Arraignment

Exhibit 13 shows that in New York City as a whole, bail was set at \$500 or less in 4% of felony cases, and in 36% of non-felony cases. The proportions were very nearly reversed at the other end of the scale: bail was set above \$7,500 in 34% of felony cases and in 1% of non-felony cases.

Bail amounts reached \$100,000 or more in 4% of felony cases (not shown). The few cases with very high bail amounts produce averages that are much higher than the amounts set in the majority of cases, so medians are reported instead of averages. The median is the amount below and above which there is an equal number of cases. Citywide, the median bail amount was \$5,000 among felony and \$1,000 among non-felony cases.

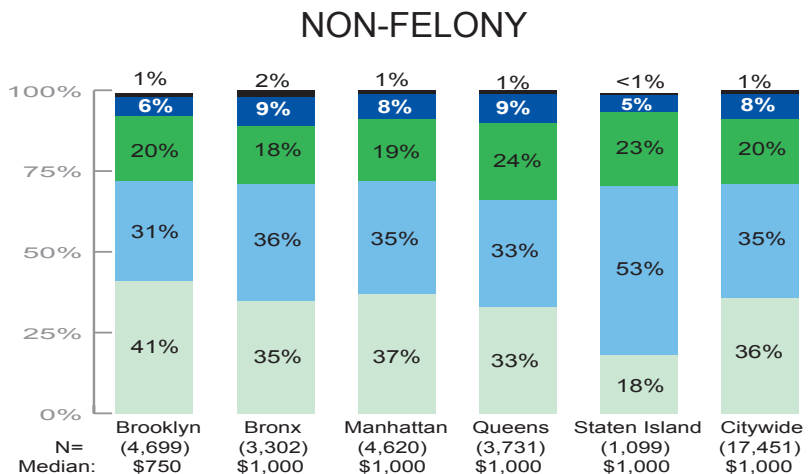
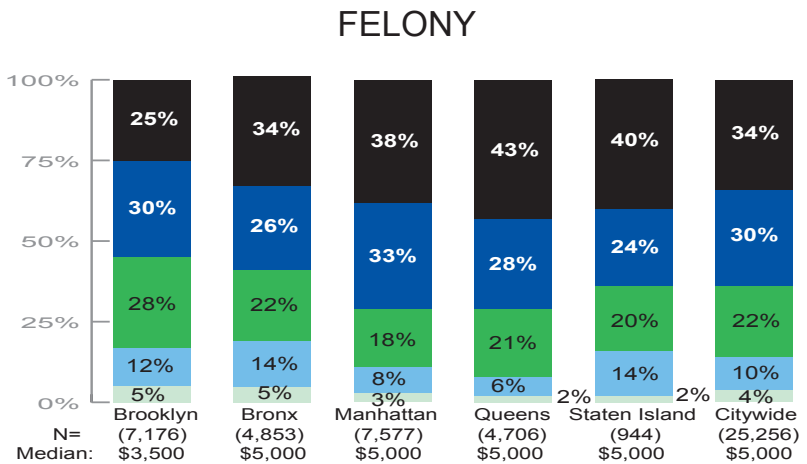
Medians for felony bail were \$5,000 in the Bronx, Manhattan, Queens, and Staten Island. The felony median was lowest in Brooklyn (\$3,500), where bail was also lowest for non-felony cases: the median was \$750, and 41% had bail set at \$500 or less.

Bail amounts were high in Queens by some measures even though the medians were no higher than the rest of the City. For example, 43% of felony bail amounts in Queens were in excess of \$7,500.

All docketed cases with bail set higher than \$1 at arraignment, including DATs, were included in Exhibits 13 and 14. Cases disposed at arraignment were excluded, with the exception of cases transferred to Supreme Court at arraignment, which were included.

Exhibit 13
Bail Amount Set At Criminal Court Arraignment
Citywide And By Borough
(Arrests January – December 2015)
(Cases For Which Bail Was Set)

Note: All data are for 2015 arrests. In the post-arraignment section starting on page 29, outcomes for felony cases are reported for 2014 arrests.



Percentages may not total 100% because of rounding.

Criminal Court Arraignment

Exhibit 14 shows the percentage of cases in which the defendant gained release by posting bail at arraignment, for all cases with bail set and within each bail amount category. Results are presented separately for felony and non-felony cases. Citywide (A) rates are on this page and rates by borough (B) are on the following page.

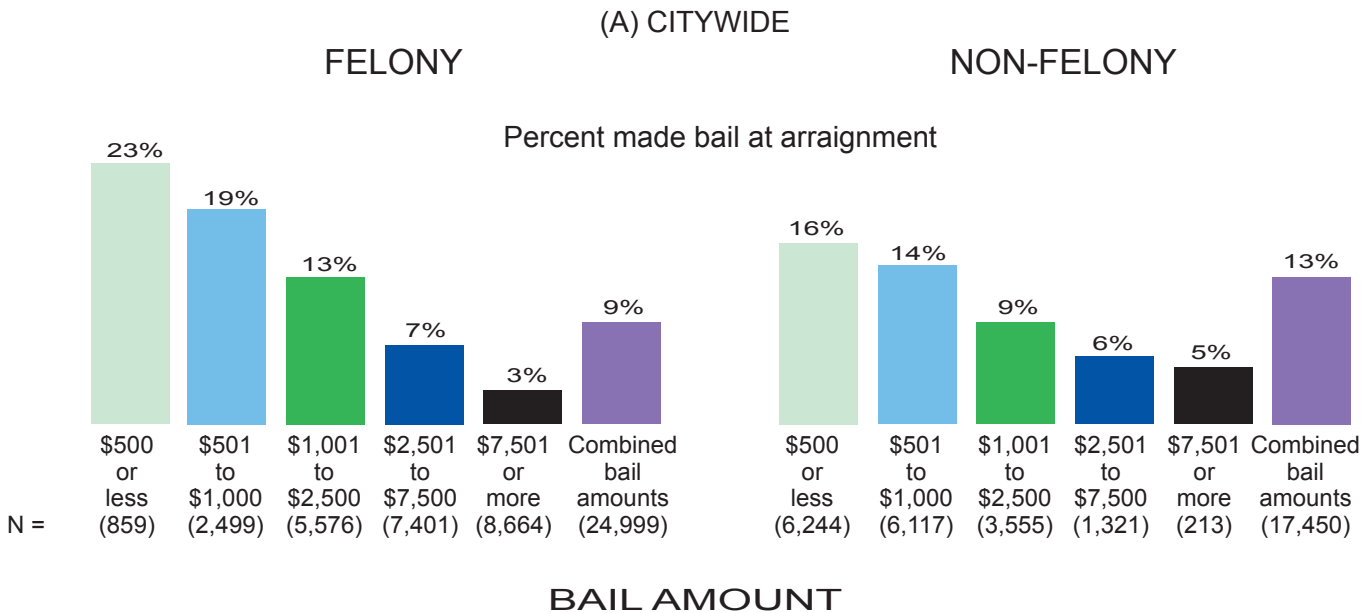
Of all cases with bail set, only 9% of felony defendants and 13% of non-felony defendants were able to post the amount necessary to gain release at arraignment.

Among cases with bail set at \$500 or less, 23% of felony and 16% of non-felony defendants made bail at arraignment. These percentages dropped within each severity level as the bail amounts rose.

With bail set in amounts over \$7,500, 3% of felony and 5% of non-felony defendants were able to make bail at arraignment.

Defendants who did not make bail at arraignment may have done so within a few days (see Exhibit 18 for post-arraignment bail making).

Exhibit 14
Bail Making At Criminal Court Arraignment By Bail Amount
 (Arrests January – December 2015)
 (Cases For Which Bail Was Set)
 Separately For Felony and Non-Felony Cases



How Bail Amounts Were Calculated

When bond was ordered with a lower cash alternative, the lower amount was reported here, summed across all dockets. Cases with bail set at \$1 were excluded because the defendant would usually not be able to obtain release by posting that amount, which is an indication of higher bail, or remand, on another case.

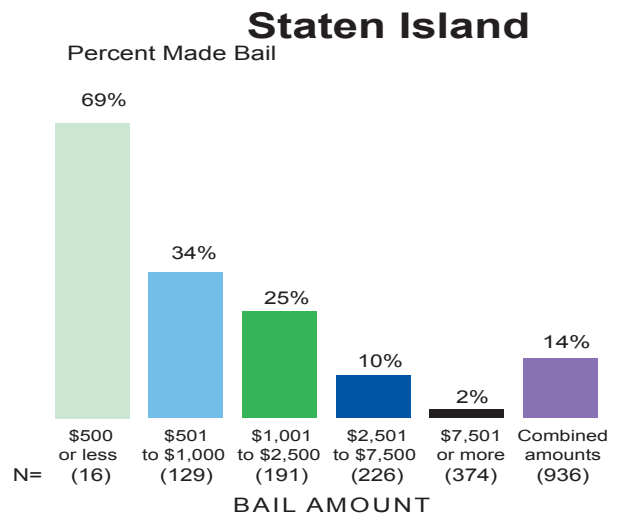
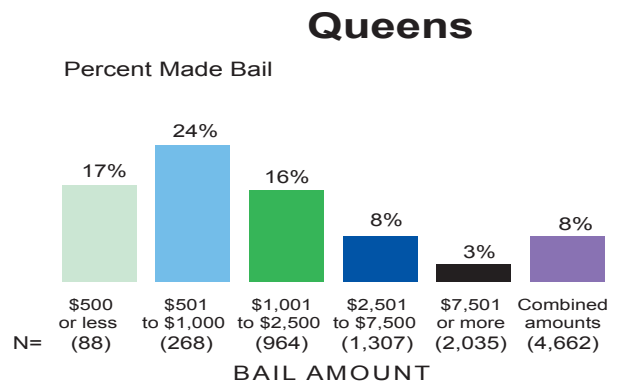
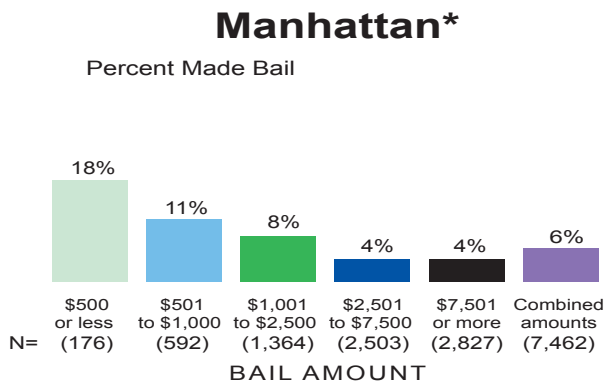
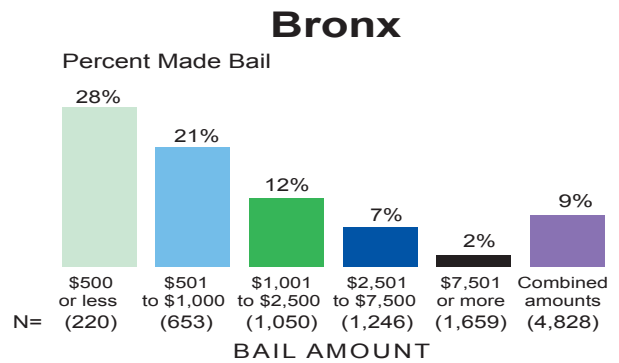
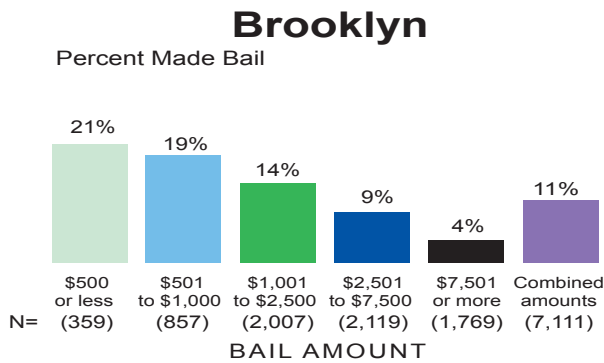
The total number of cases is less than the number of cases reported in Exhibit 13 because of missing bail-making data.

The total number of cases is greater than the number of continued cases for which bail was set reported in Exhibit 9 because cases that were transferred to Supreme Court at arraignment (categorized as disposed for Exhibit 9) were included in Exhibits 13 and 14.

Criminal Court Arraignment

Exhibit 14
Bail Making At Criminal Court Arraignment By Bail Amount
 (Arrests January – December 2015)
 (Cases For Which Bail Was Set)
 (B) BY BOROUGH
FELONY

Note: All data are for 2015 arrests. In the *post*-arraignment section starting on page 29, outcomes for felony cases are reported for 2014 arrests.



There were wide differences by borough in bail making at arraignment. Defendants in Staten Island were more likely to post bail at arraignment than defendants in other boroughs. Staten Island defendants made bail at arraignment in 14% of felony and 24% of non-felony cases overall. When bail was set at \$500 or less, over two thirds of Staten Island felony defendants made bail at arraignment, and more than a third of the non-felony defendants did so.

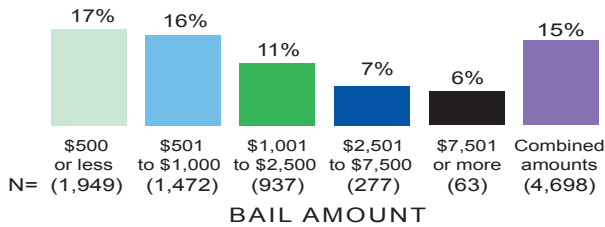
Bail was least likely to be made at arraignment in Manhattan, where 6% of felony and 9% of non-felony defendants posted bail.

Exhibit 14
Bail Making At Criminal Court Arraignment By Bail Amount
 (Arrests January – December 2015)
 (Cases For Which Bail Was Set)
 (B) BY BOROUGH (continued)

NON-FELONY

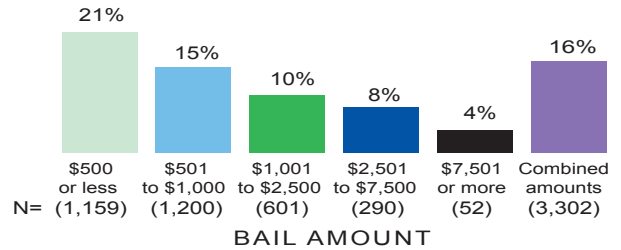
Brooklyn

Percent Made Bail



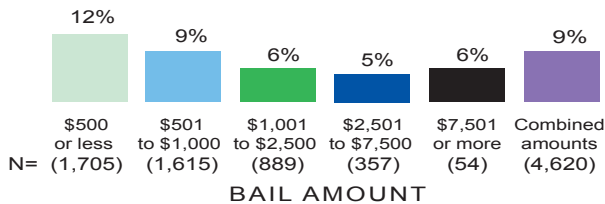
Bronx

Percent Made Bail



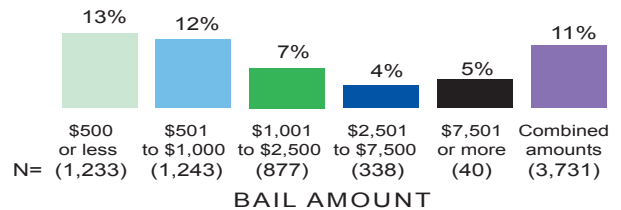
Manhattan*

Percent Made Bail



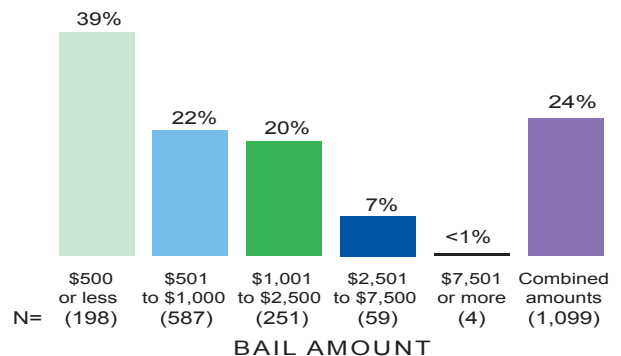
Queens

Percent Made Bail



Staten Island

Percent Made Bail



* In previous years bail-making rates for amounts over \$7,500 in Manhattan were inflated by a coding error in the data transmitted to CJA by the Office of Court Administration that categorized some defendants as released at arraignment when they were actually held in jail pending a bail source hearing. This error apparently affected only defendants in Manhattan with very high bail. In 2015 the numbers suggest this issue may have been resolved, but we cannot confirm that all Manhattan defendants in this bail category who were coded released at arraignment were actually released. (See note p. 46 under "Bail Making At Arraignment.")

VI. Desk Appearance Tickets

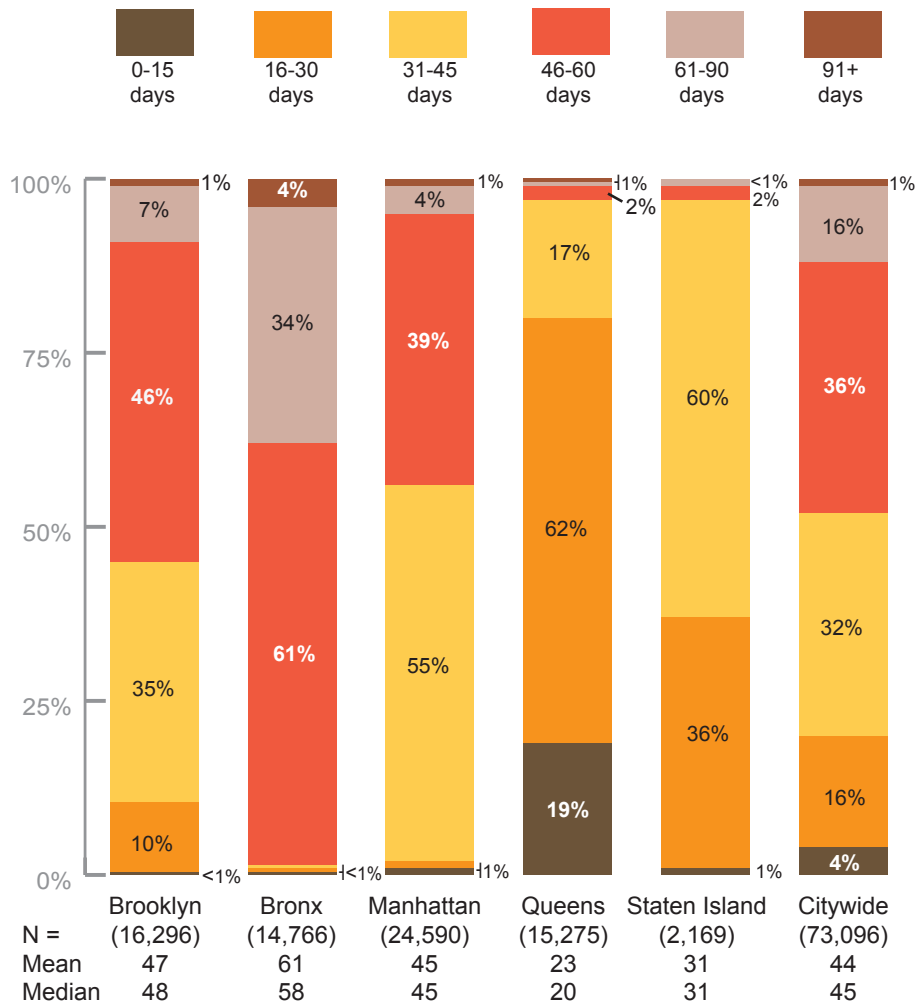
A desk appearance ticket is a written notice issued by the New York City Police Department (NYPD) for the defendant to appear in the Criminal Court for arraignment at a future date. Under the New York State Criminal Procedure Law (§150.20), a DAT may be issued for any non-felony and some nonviolent class E felony arrest charges. The NYPD imposes some additional restrictions; for example, denying DATs to defendants found to have outstanding warrants.

CJA does not usually interview DAT defendants, but the Agency does provide arraignment notification for them by mail and by telephone using contact information supplied by the NYPD. For post-arraignment appearances, DAT defendants are notified by the same procedures used for other defendants. (For more information regarding notification, see Section IX.)

Volume

There were 73,096 DAT arraignments Citywide for arrests during 2015. A third of them (24,590) were concentrated in Manhattan.

Exhibit 15
DAT Volume And Arrest-To-Arraignment Time
Citywide And By Borough
(Arrests January – December 2015)



Arrest-To-Arraignment Time

The NYPD sets arraignment dates for DAT defendants anywhere from a few days to many months following the arrest. The average (mean) number of days from arrest to arraignment in DAT cases Citywide was 44 days; the median was 45. Arrest-to-arraignment time overall was shorter than in 2014, when the Citywide mean was 62 days.

This decrease was largely the result of major shifts in Brooklyn and Queens. In Brooklyn the mean days to

arraignment dropped from 96 to 47, and in Queens the mean dropped from 53 to 23. The Bronx also saw a drop, with a mean of 73 in 2014 lowered to 61 days in 2015.

In Queens 81% of DAT arraignments were scheduled within 30 days, a major departure from previous years when no borough had a majority with such short arrest-to-arraignment times. Staten Island was next, with 37% arraigned within 30 days.

Failure To Appear For A DAT Arraignment

Failure to appear for the scheduled DAT arraignment is reported in Exhibit 16. (In Part B we will present post-arraignment FTA rates for cases of defendants who were detained from arrest to arraignment, excluding cases of defendants who were issued desk appearance tickets.)

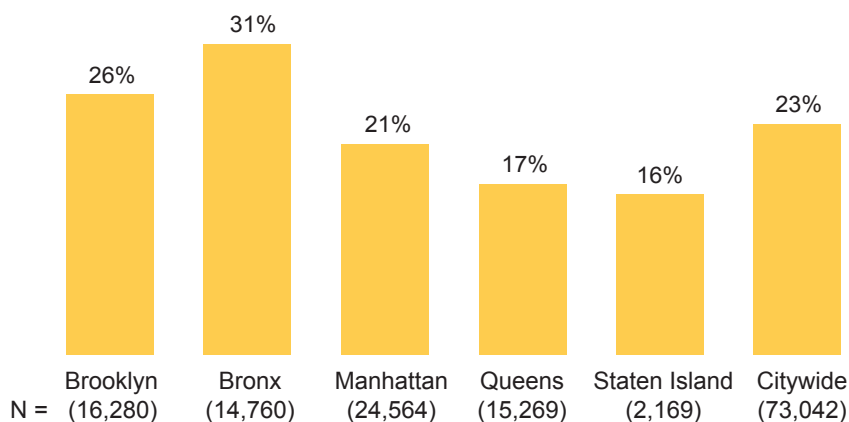
In 23% of DAT cases, the defendant failed to appear for the arraignment in Criminal Court.

There were large borough differences in FTA rates for DAT arraignments. The Bronx had the highest rate, at 31%. Staten Island, at 16%, had the lowest FTA rate for DAT arraignments.

Chronically high FTA rates among DAT defendants in the Bronx have been attributed in part to repeated rescheduling of arraignments. To address this problem, in 2009 CJA launched a special notification effort for Bronx DAT defendants whose arraignments were rescheduled (described on page 39).

Research has shown that FTA is strongly related to arrest-to-arraignment times, since a defendant may forget a scheduled court date far in the future, and disruptive life events may intervene. The Bronx had the longest arrest-to-arraignment times as well as the highest FTA rates. Staten Island and Queens had the shortest arrest-to-arraignment time and the lowest FTA rates.

Exhibit 16
Failure To Appear (FTA) Rates
For A DAT Arraignment
Citywide And By Borough
(Arrests January – December 2015)



Unlike FTA rates presented elsewhere in this report, which counted FTA any time during the pendency of the case, Exhibit 16 counts FTA only at arraignment. The rate is the number of DAT cases in which a defendant failed to appear for the scheduled arraignment divided by the total number of scheduled DAT arraignments. If the defendant was not present for the scheduled arraignment but no warrant was issued (or a warrant was stayed), the outcome at the second court date was taken. A few cases were excluded because the defendant was recorded as absent at the first two court appearances but no warrant was recorded for either date.

Desk Appearance Tickets

Failure To Appear For A DAT Arraignment By Offense Type

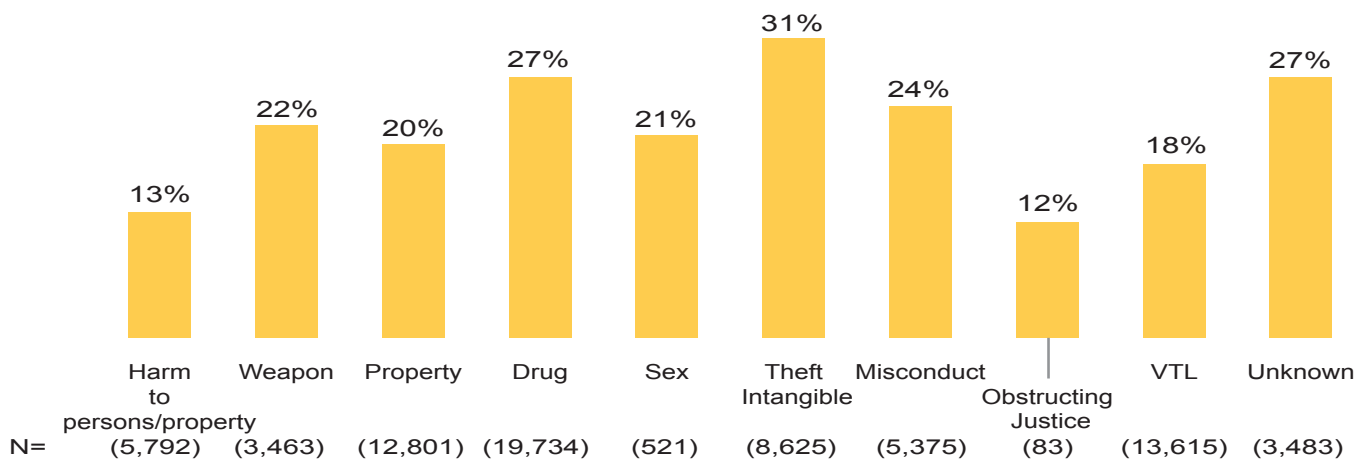
The three largest arrest offense types were drug, Vehicle and Traffic Law (VTL), and property offenses. These three offense types accounted for the majority of DATs.

FTA rates varied considerably according to the offense type of the arrest charge, as shown in Exhibit

17. FTA rates ranged from 12% for the “obstructing justice” category to 31% for theft intangible.

Drug cases — comprising about a quarter of DATs — were associated with an FTA rate of 27%, which is a little higher than the average of 23% for all DATs shown in Exhibit 16.

Exhibit 17
 Failure To Appear (FTA) Rates For A DAT Arraignment
 By Arrest Charge Offense Type
 (Arrests January – December 2015)
 N = 73,492



DAT OFFENSE TYPES

Harm (combines CJA offense type categories of harm to persons and harm to persons & property): Most DAT defendants in this category were charged with assault and related offenses (PL Article 120).

Weapon: Nearly all DAT charges in this category were for fourth-degree weapon possession (PL 265.01).

Property: Most DAT defendants charged with a property offense were arrested for petit larceny, along with some arrested for criminal mischief or possession of stolen property.

Drug: Over half of DAT drug arrests were for class B misdemeanor

marijuana possession (PL 221.10). Nearly all the rest were for class A misdemeanor drug possession (PL 220.03).

Sex: The few DAT arrests for sex crimes were mostly for public lewdness (PL 245.00) or patronizing a prostitute (PL 230.04).

Theft intangible: Theft of services (turnstile jumping) was the most common DAT offense in this category, along with smaller numbers of forgery and fraud charges.

Misconduct: Criminal trespass constituted nearly two thirds of DAT offenses in this category, along with

some harassment and disorderly conduct charges.

Obstructing Justice: DATs were rarely issued for obstruction of justice, but when they were, the charge was typically making a false written statement, criminal contempt, or criminal nuisance.

VTL (offenses under the Vehicle and Traffic Law): Most DATs issued for a VTL offense were for driving with a suspended or revoked license.

Unknown: DATs issued for unknown offenses consisted primarily of violations of local laws (outside the Penal Law or Vehicle & Traffic Law).

Part B

Post-Arraignment Data

Felony (2014 Arrests)
Non-Felony (2015 Arrests)

VII. Bail Making Prior To Disposition

Exhibit 18 shows, for cases with bail set at arraignment, the percentage in which the defendant gained release before disposition. Data are presented for felony cases with an arrest in 2014, and for non-felony cases with an arrest in 2015. Citywide results (A) are shown below, and breakdowns by borough (B) are shown on the following two pages.

Citywide, defendants in 45% of felony and 43% of non-felony cases were not released prior to disposition of the case. In the remaining cases with bail set, the defendant was released prior to disposition, either by ROR or by posting bail. Among felony cases, 10% made bail at arraignment, 12% were released on recognizance post-arraignment (often because of mandatory release requirements), and 34% made bail post-arraignment. The comparable figures for non-felony cases were 13%, 12%, and 32% respectively.

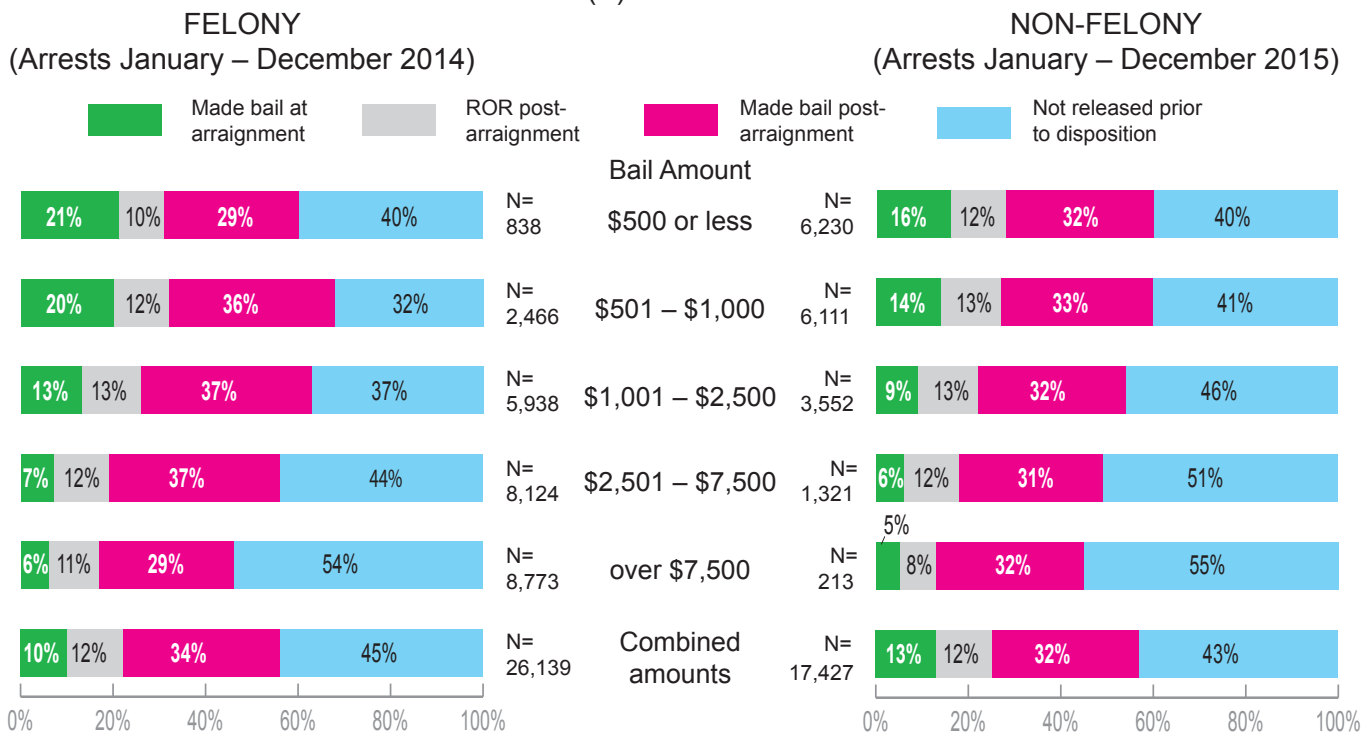
In general, defendants with the lowest bail were more likely to be released. Even with bail of \$500 or less, however, the defendant was detained to disposition in 40% of both felony and non-felony cases.

Borough differences: Among felony cases, detention-to-disposition rates were highest in Manhattan and Queens (52% and 45% respectively) and lowest in the Bronx (36%). For non-felony cases, Manhattan had the highest detention rate (48%) followed by Brooklyn (44%).

Note: To compare the felony data presented here with non-felony data for the same year's arrests, see Exhibit 18 in last year's Annual Report.

DAT cases were included in Exhibit 18. Cases with bail set at \$1 were excluded (see box page 23 for bail measure). Bail making and release on recognizance were tracked until the disposition of the case or until June 30, 2016, allowing a minimum of 18 months for felony and 6 months for non-felony cases.

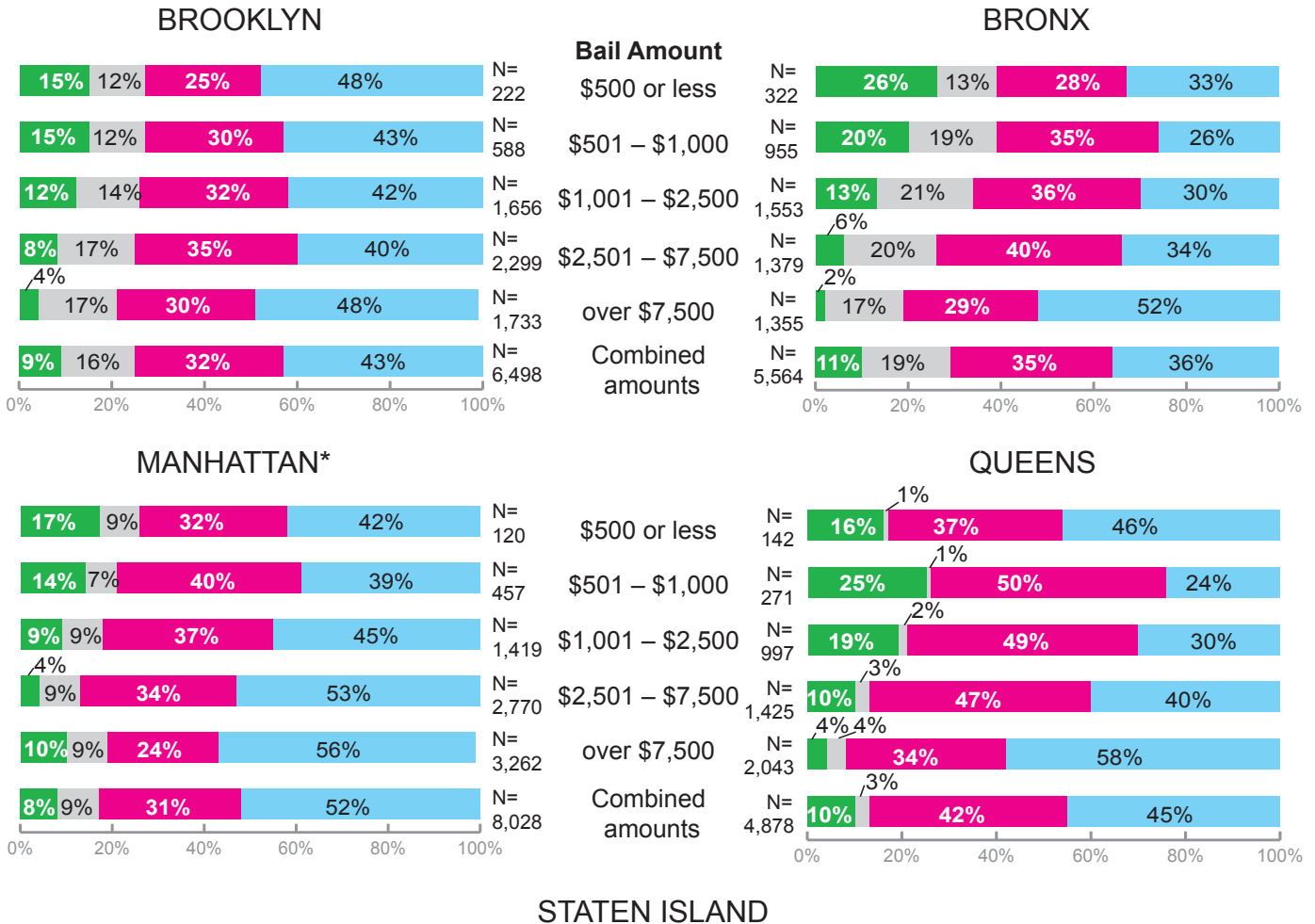
Exhibit 18
Bail Making By Bail Amount (Cases With Bail Set)
(A) CITYWIDE



Bail Making Prior To Disposition

Exhibit 18
Bail Making By Bail Amount
(B) BY BOROUGH
FELONY
(Arrests January – December 2014)

Made bail at arraignment ROR post-arraignment Made bail post-arraignment Not released prior to disposition



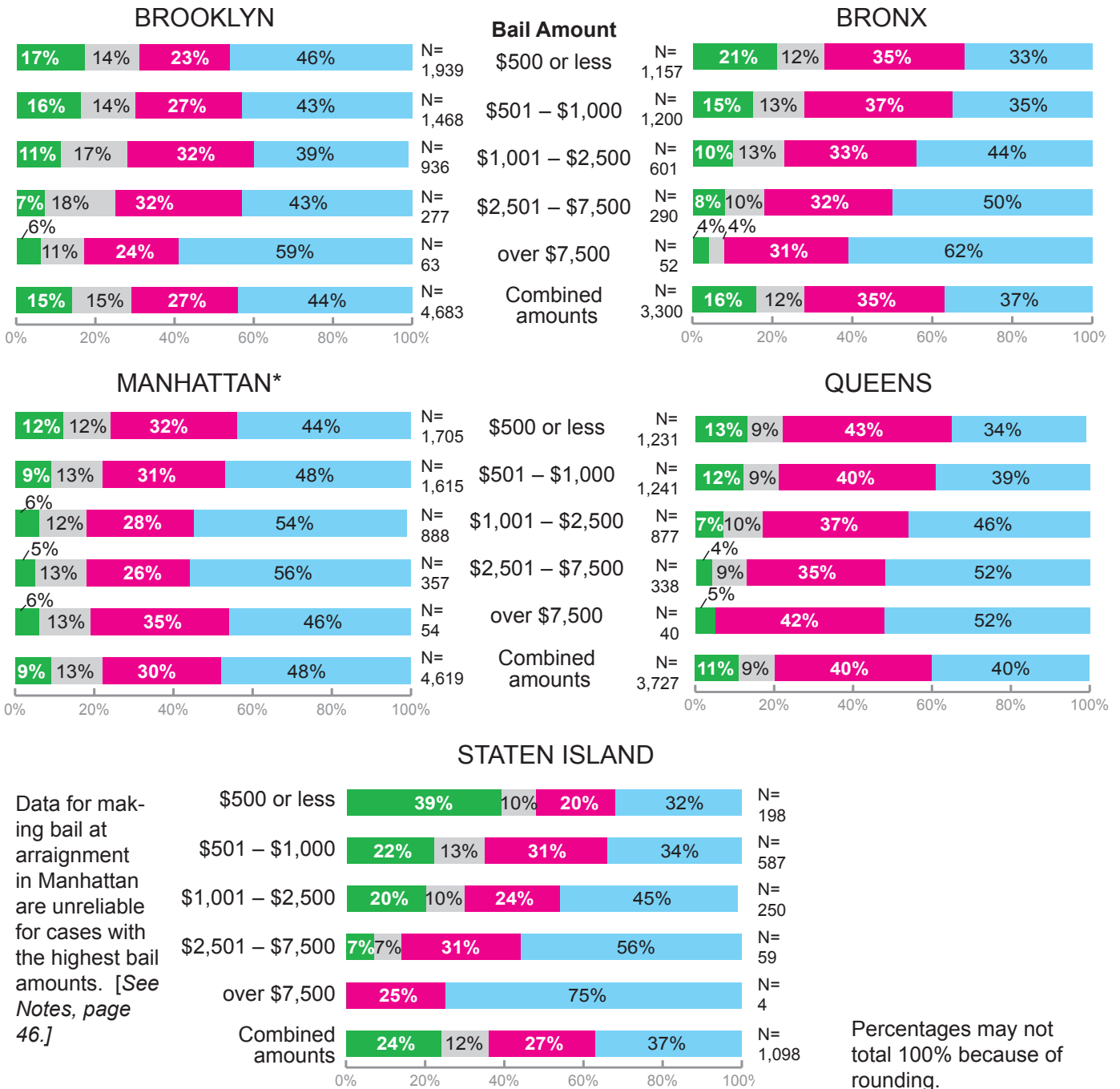
Data for making bail at arraignment in Manhattan are unreliable for cases with the highest bail amounts. [See Notes, page 46.]

Percentages may not total 100% because of rounding.

Bail Making Prior To Disposition

Exhibit 18
 Bail Making By Bail Amount
 (B) BY BOROUGH (continued)
NON-FELONY
 (Arrests January – December 2015)

Made bail at arraignment ROR post-arraignment Made bail post-arraignment Not released prior to disposition



VIII. Failure To Appear

Whenever a released defendant fails to appear voluntarily for a scheduled court proceeding, a bench warrant is issued by the judge for failure to appear (FTA).

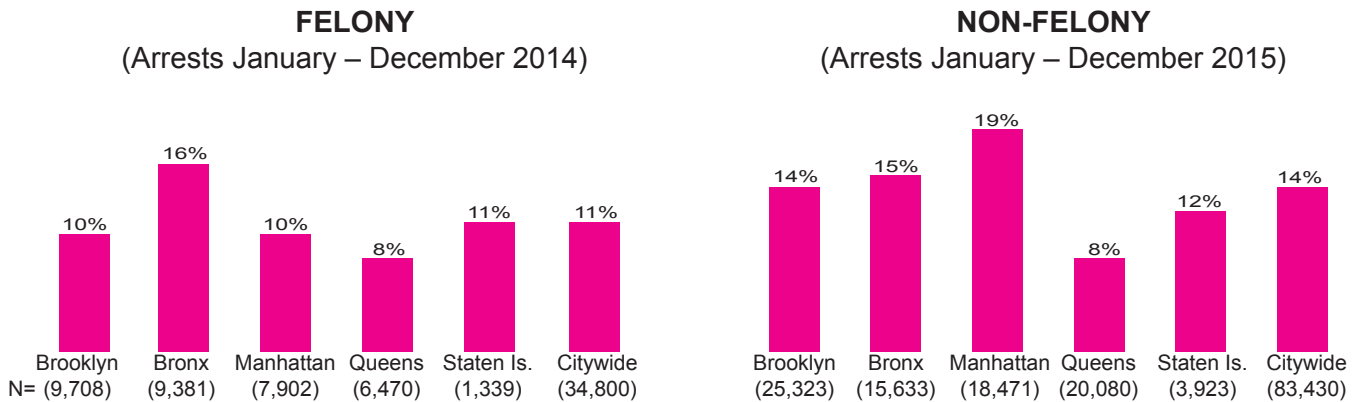
The Criminal Justice Agency works in two ways to minimize the extent of failure to appear (FTA). First, the Agency’s recommendation system provides judges with an assessment of the risk of nonappearance associated with release for each defendant. Second, CJA attempts to remind released defendants of each scheduled court appearance. Of course, a greater proportion of the favorably assessed defendants may be readily contacted because they have known and often verified telephone numbers and addresses. [See Section IX for information about notification procedures and outcomes.]

Exhibit 19 shows that the defendant in 11% of felony cases (2014 arrests) and 14% of non-felony cases (2015 arrests) failed to appear at least once for a scheduled court appearance prior to disposition of the case.

FTA rates were lowest in Queens for both felony (8%) and non-felony (8%) cases. The highest rate was in Manhattan for non-felony cases (19%).

FTA rates were generally lower for felony compared to non-felony cases, particularly in Manhattan, where the difference was 9 percentage points (10% for felonies, compared to 19% for non-felonies). Felony post-arraignment outcomes are lagged by one year because of the longer time it takes more severe cases to reach disposition, so the comparison is between different years. However, the non-felony FTA rates reported here are very similar to the rates in 2014.

Exhibit 19
Failure To Appear (FTA) Rates Citywide And By Borough
(Cases with a defendant who was released prior to disposition)



FTA rates for DAT arraignments are presented separately in Section VI.

FTA rates presented in this report are case based. They are calculated by dividing the number of cases in which a defendant failed to appear one or more times by the total number of cases with a defendant who was at risk. Cases were tracked until disposition or until June 30, 2016, whichever occurred first.

Appearance-based FTA rates, used in some reporting systems (including CJA’s old *Semi-Annual Report* series, last published in 2003), produce lower rates because of the method used to calculate them. Appearance-based rates are calculated by dividing the number of total court appearances by the number of times the defendant failed to appear. The FTA rates presented here are comparable to other FTA rates only if they are calculated using the same method.

Failure To Appear

FTA And The CJA Recommendation

Exhibit 20 shows that FTA rates were lowest in cases of defendants who were recommended for release and highest among cases of defendants who were not recommended. This difference was found among both felony and non-felony cases.

Among cases of defendants who were recommended, the FTA rate was 7% for felony cases and 6% for non-felony cases.

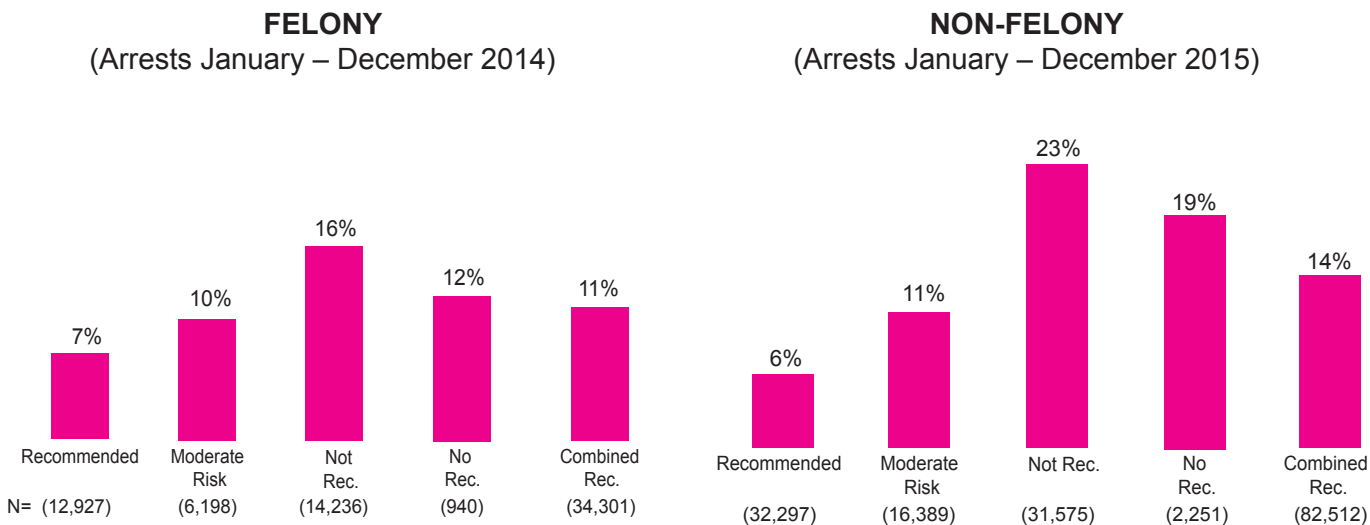
FTA rates were higher among cases of defendants assigned to the moderate-risk recommendation category: 10% for felony cases and 11% among non-felony cases.

The highest FTA rates were found among cases of defendants who were not recommended for ROR. Among felony cases, the FTA rate was 16% among cases with a defendant assigned to a not recommended category. The comparable rate among non-felony cases was 23%.

No recommendation is issued under certain circumstances, including inability to obtain the defendant's criminal record or an incomplete interview. For defendants with no recommendation, FTA rates were also high: 12% among felony and 19% among non-felony cases.

**Exhibit 20
Failure To Appear (FTA) Rates
By CJA Recommendation**

(Cases with a defendant who was released prior to disposition)



Note: To compare felony and non-felony cases with an arrest in the same year, compare the non-felony data for 2014 presented in Exhibit 20 of the 2014 Annual Report with the felony data for 2014 presented here. Non-felony FTA rates in 2014 were nearly identical to those reported here for 2015.

Cases of defendants who were not interviewed (including most DAT arrests) were excluded from Exhibits 20, 21, and 22.

Adjusted FTA (no return within 30 days)

Exhibit 21 presents “adjusted FTA rates” obtained by counting an *FTA only when the defendant did not return within 30 days*.

For felony cases, the adjusted FTA rate for the combined recommendation categories (4%) was about one third the total rate (11%, shown in Exhibit 20).

For non-felony cases, the adjusted FTA rate for combined recommendation categories (7%) was half the total FTA rate (14%).

Among recommended defendants, only 2% of

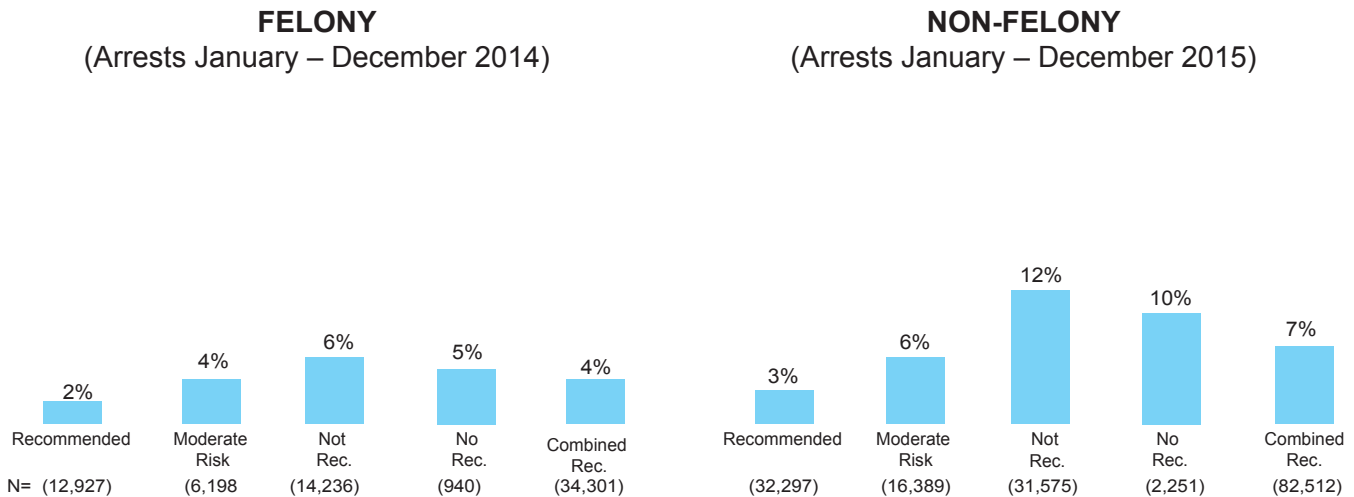
felony cases and 3% of non-felony cases had a defendant who failed to appear and did not return within 30 days.

The adjusted FTA rates for moderate-risk defendants were 4% (felony) and 6% (non-felony).

Even among cases of defendants who were not recommended for ROR, adjusted FTA rates were low: 6% (felony) and 12% (non-felony).

This indicates that when defendants missed a court date, a great many returned within 30 days. Return rates are shown on the next page in Exhibit 22.

Exhibit 21
Adjusted Failure-To-Appear (FTA) Rates (No Return Within 30 Days)
By CJA Recommendation
 (Cases with a defendant who was released prior to disposition)



Note: To compare felony and non-felony cases with an arrest in the same year, compare the non-felony data for 2014 presented in Exhibit 21 of the 2014 Annual Report with the felony data for 2014 presented here. Non-felony adjusted FTA rates in 2014 were very similar to those reported here for 2015.

Failure To Appear

Return To Court And The CJA Recommendation

The adjusted FTA rates shown on the previous page (Exhibit 21) indicate that of the defendants who fail to appear for a court appearance, a great many return to court within 30 days. Exhibit 22 shows that among felony cases, two-thirds returned within 30 days, and among non-felony cases, half did so.

Not only were recommended defendants more likely to make all their court appearances (as shown in Exhibit 20), but — when they did fail to appear — they were also more likely to return to court within 30 days.

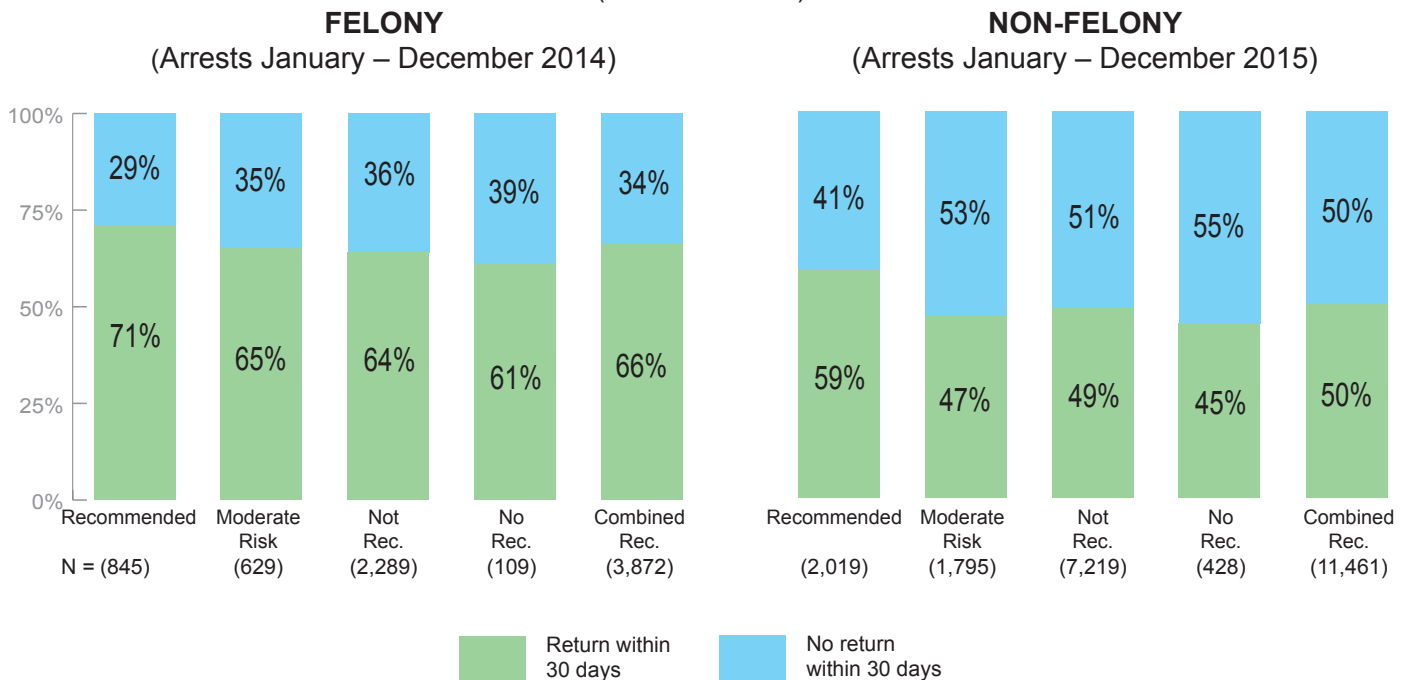
Among felony cases with an FTA prior to disposition, 66% of the defendants returned to court within 30 days. This percentage rose to 71% among cases with a defendant who had been recommended by CJA.

Among non-felony cases with a pretrial FTA, 50% returned within 30 days. This percentage rose to 59% among cases with a defendant who had been recommended.

Defendants in felony cases were more likely than non-felony defendants to return within 30 days regardless of recommendation category.

Note: To compare felony and non-felony cases with an arrest in the same year, compare the non-felony data for 2014 presented in Exhibit 22 of the 2014 Annual Report with the felony data for 2014 presented here. Non-felony return rates in 2014 were very similar to those reported here for 2015.

Exhibit 22
Return To Court Following Failure To Appear (FTA)
By CJA Recommendation
(Cases With FTA)



Cases were tracked for at least 30 days after the first FTA in order to collect data on return to court. For cases with a first FTA occurring near the cutoff date (June 30, 2016), return-to-court data were tracked for an additional month, to July 30.

Part C

Notification & Special
Programs (2015 Arrests)

Supervised Release
(2014 Arrests)

IX. Notification

The Agency attempts to notify all adult released defendants of their scheduled court appearances, with the expectation that this will reduce FTA rates. Defendants released on desk appearance tickets are also notified of their scheduled arraignment dates. Notification is attempted for all appearances in Criminal Court and Supreme Court.

Notification by Telephone

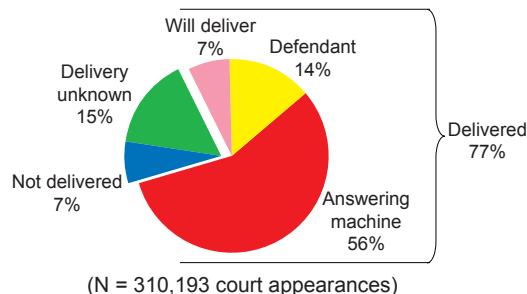
Telephone notification is attempted for defendants who provided a telephone number at arrest. Computerized telephone calls are made at two points prior to each defendant's court date: a **reminder call** is made starting three days before a scheduled court date, and a **wake-up call** is made between 6 a.m. and 10 a.m. on the morning of the scheduled appearance. Attempts are made for reminder calls on two successive days, until someone answers and responds by pressing the appropriate keys, or a machine answers.

At the end of August 2013, CJA also began sending text messages to defendants who provide a cellphone number. Text messages are sent out two days before the court appearance. In 2015, CJA sent 259,758 text messages to defendants who had the ability to receive them (data not shown).

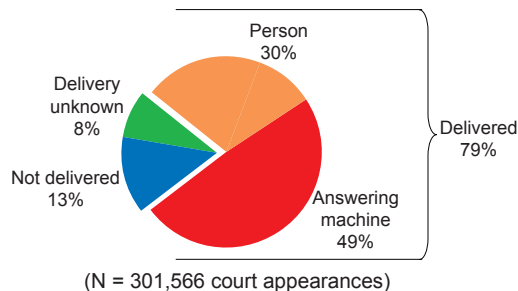
Exhibit 23 shows the number of scheduled court appearances for which voice telephone notification was attempted, and the outcomes, during 2015.

Exhibit 23
Telephone Notification: Volume & Outcomes
January – December 2015

REMINDER CALLS (starting 3 days prior)



WAKE-UP CALLS (same day)



Percentages may not total 100% because of rounding.

Telephone Notification Outcomes

- “Delivered” — the call was answered by the defendant or someone else who agreed to deliver the message; or a message was left on a machine. For wake-up calls, the only automated menu response requested is choice of language so it is not possible to distinguish between the defendant and another person answering the call.
- “Not delivered” — unable to connect (busy or unanswered), nonworking number, or wrong number.
- “Delivery unknown” — someone answered the call but did not respond to menu choices.

Reminder Calls

There were 310,193 court appearances during 2015 with a telephone notification outcome presented in Exhibit 23. The reminder call was successfully delivered 77% of the time, and it was not delivered 7% of the time. (See box for definitions of “delivered” and “not delivered”). The rest of the time (15%) someone answered the telephone call but did not respond to menu choices, so it was unknown if the message was delivered.

Wake-Up Calls

CJA made 301,566 wake-up calls, of which 79% were completed with delivery of the message either to a person or to an answering machine.

Notification by Letter

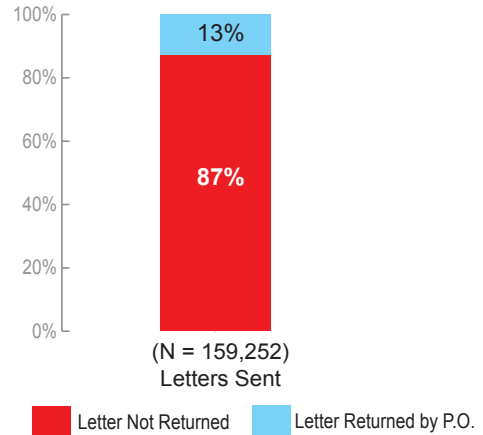
Reminder letters to defendants with upcoming court appearances are sent to those who provided a mailing address but not a telephone number. Most defendants who provided a telephone number are notified only by telephone. However, defendants who were issued a desk appearance ticket (DAT) receive both a telephone call and a letter (if CJA received both an address and a telephone number from the NYPD) reminding them of the scheduled arraignment date, which is typically a month or two after arrest.

A letter is sent to defendants meeting these criteria if the next appearance is scheduled seven or more days after any given court date. If the next appearance is scheduled to take place in fewer than seven days, there is not enough time to send a letter.

An additional notification program was inaugurated in January 2009 for DAT defendants in the Bronx whose arraignments were rescheduled because the paperwork was not ready on the initially scheduled arraignment date. In the past, defendants may have been required to report multiple times only to be told that the case was still not ready. Under the program, the District Attorney notifies CJA when the paperwork is ready and CJA sends a letter notifying the defendant of the rescheduled date. (Telephone calls are also made to defendants in this group.)

Exhibit 24 shows that 159,252 letters were sent to defendants reminding them of a scheduled court appearance in Criminal Court or in Supreme Court during the reporting period.

Exhibit 24
Letter Notification: Volume & Outcomes
 January – December 2015



Some letters were returned by the Post Office because they were undeliverable: 20,447 letters were returned (13% of those sent). Defendants scheduled for post-arraignment appearances whose letters were returned are presumed not to have been notified (the letter would not have been generated if a telephone number had been available).

The returned letters also included a small number of DAT arraignment notifications, and these defendants may have been reached by telephone.

Most letters (87%) were not returned. Defendants are presumed to have been notified if the letter was not returned.

Agency evaluations of the notification system have shown consistently that notification, when successful, reduces FTA rates. These studies have also shown that, while both telephone and letter notification are effective, it is more effective to contact defendants by telephone.

X. Special Programs

Bail Expediting Program (BEX)

To reduce unnecessary pretrial detention, CJA expedites bail making for defendants who are held on low bail. The Bail Expediting Program in the Bronx and Queens was expanded in 2010 to include Brooklyn and Manhattan as well, so it now operates in all four of New York City’s largest boroughs. CJA does not post bail, but re-interviews eligible defendants who were not able to post bail at arraignment. Program staff members obtain information to assist in contacting potential sureties, and then work with them to facilitate bail making.

To be eligible for the program, a defendant’s bail must be set at \$2,500 or less in the Bronx and at \$3,500 or less in Brooklyn, Manhattan, and Queens. The number of defendants identified as eligible for BEX in each borough is shown in Exhibit 25, along with the outcomes described in the accompanying box.

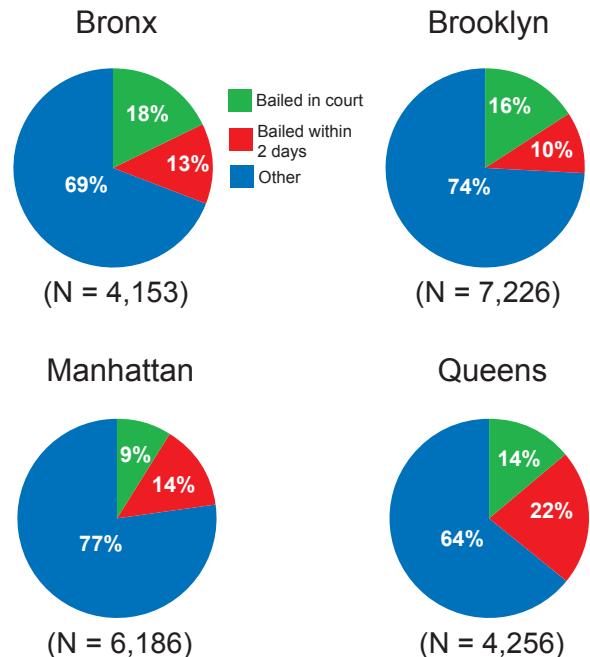
In the Bronx, the defendant was eligible for BEX in 4,153 cases. Of these, 18% were bailed in court and an additional 13% made bail within two days, for a total of 31% of BEX-eligible defendants who were released with CJA’s help.

In Brooklyn, the defendant was eligible for BEX in 7,226 cases. Of these, 16% were bailed in court and an additional 10% made bail within two days, for a total of 26% of BEX-eligible defendants who were released with CJA’s help.

In Manhattan, the defendant was eligible for BEX in 6,186 cases. Of these, 9% were bailed in court and an additional 14% made bail within two days, for a total of 23% of BEX-eligible defendants who were released with CJA’s help.

In Queens, the defendant was eligible for BEX in 4,256 cases. Of these, 14% were bailed in court and an additional 22% made bail within two days, for a total of 36% of BEX-eligible defendants who were released with CJA’s help.

Exhibit 25
Bail Expediting Program (BEX):
Volume & Outcomes
January – December 2015



BEX Outcomes

- “Bailed in court” refers to defendants who posted bail while still in the courthouse, either at arraignment or while being held post-arraignment at CJA’s request for up to two hours prior to transfer to the Department of Correction (DOC).
- “Bailed within 2 days” refers to defendants who posted bail after transfer to the DOC detention facility, but within two days of arraignment.
- “Other” is the designation for the remainder of BEX-eligible defendants. Some may have posted bail (or been released on recognizance) after two days, but the BEX program does not track or take credit for releases after two days.

Note: The BEX program actually interviewed and gained release for more defendants during 2015 than reported here because only cases with a 2015 arrest date are included in this exhibit. A defendant arrested in 2014 could become eligible for BEX and be helped by the program during 2015, although that case would not be included here.

Failure-To-Appear (FTA) Units

Starting in 2015, FTA Units now operate in the four largest boroughs of the City.

Staff members identify defendants who failed to appear for a post-arraignment date in Criminal Court, as well as defendants who were issued a desk appearance ticket (DAT) and failed to appear for the scheduled arraignment (or for a post-arraignment appearance). FTA Unit staff attempt to reach these defendants and persuade them to return to court voluntarily. For defendants who do so, or for whom CJA verifies a reason for the missed court date, there are benefits: the warrant is vacated, usually no additional charges result from the FTA, and the majority are again released or the case is immediately disposed.

Attempts are made to contact defendants by telephone and letter. Attempts to reach defendants by phone continue until the defendant returns to court, up to 29 days after the warrant is issued. CJA also may help arrange for the defendant's attorney to accompany him or her to court.

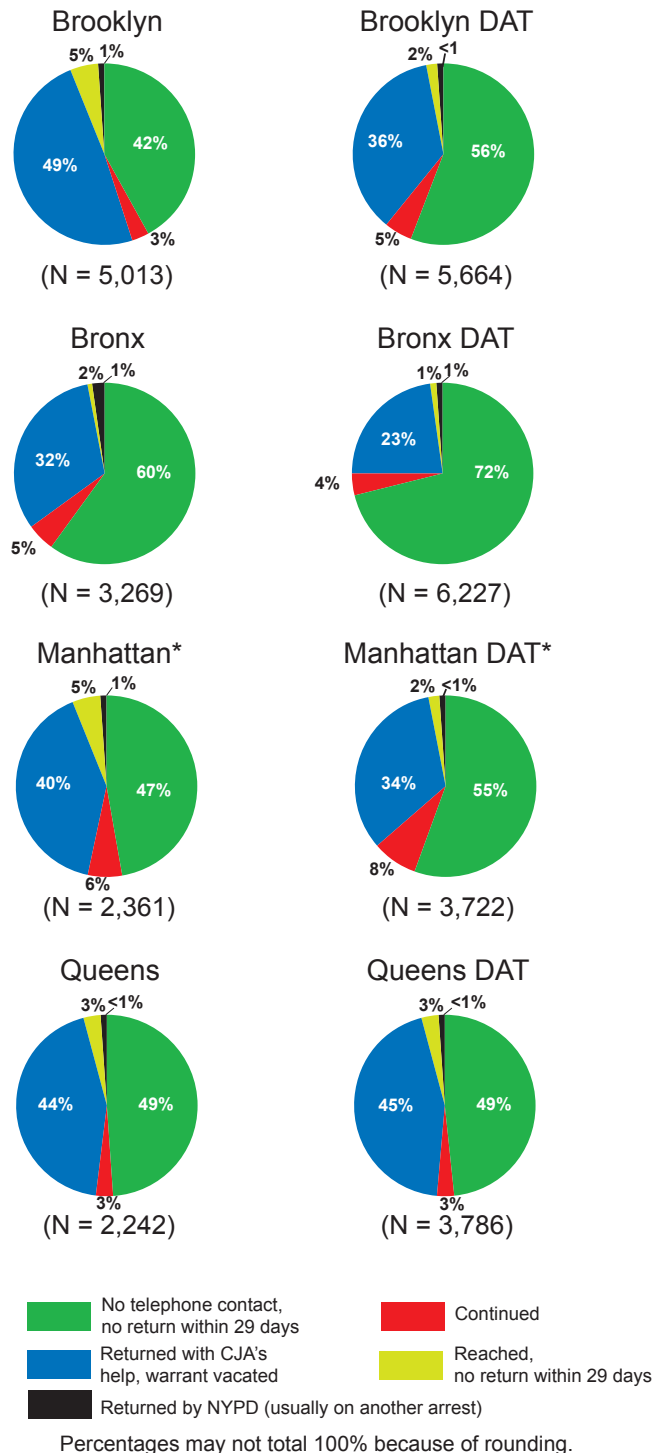
Among on-line cases (those in which the defendant was held from arrest to arraignment), 49% returned to court with CJA's help in Brooklyn, 32% in the Bronx, 40% in Manhattan, and 44% in Queens. Among DAT cases, 36% returned to court with CJA's help in Brooklyn, 23% in the Bronx, 34% in Manhattan, and 45% in Queens.

CJA could not make telephone contact and the defendant did not return within 29 days in 42% of on-line cases in Brooklyn, 60% in the Bronx, 47% in Manhattan, and 49% in Queens. Among DATs, the percentages were 56% in Brooklyn, 72% in the Bronx, 55% in Manhattan, and 49% in Queens.

Only rarely did a defendant fail to return to court after having received a telephone call from CJA. The percentage of defendants who were reached but did not return to court was 5% or less in each borough.

**The Manhattan program launched in April 2015. Data for all other boroughs include the entire calendar year.*

Exhibit 26
Failure-To-Appear (FTA) Units:
Volume & Outcomes
January – December 2015



XI. Supervised Release Programs

In this section we present data on CJA’s Supervised Release programs for clients admitted in 2014. We analyze 2014 cases because clients are charged with felonies and thus their cases take longer to process.

In 2014 CJA operated two supervised release programs, in Manhattan and Queens, for persons charged with nonviolent felony offenses. Both programs were funded by the City through the Mayor’s Office of Criminal Justice with the objectives of reducing reliance on money bail and lowering pretrial detention for a population that did not pose a substantial risk to public safety. The programs sought to minimize the costs of incarceration, both institutional and individual, and to offer clients opportunities for voluntary treatment.

The programs were intended to provide an alternative to money bail, not to replace release on recognizance (ROR). Thus, the programs sought to avoid taking persons who were recommended for release by CJA and who did not appear to have been previously arrested. Additionally, certain charges with a low probability of bail being set were excluded in Queens. To further address concerns about “net-widening,” defense attorneys acted as gatekeepers

and their consent was required for screening and acceptance.

To address public safety concerns, the programs excluded those with extensive criminal records and unverifiable community ties. As with all bail determinations, the final decision to release the person into the program was made by the Court.

Once a client was placed in a program, validated screening tests and clinical assessments were used to evaluate service needs and supervision requirements. Case managers, who were social workers, conducted the assessment, encouraged acceptance of referrals for treatment and other services as needed, and monitored clients through frequent face-to-face meetings and telephone calls. Progress reports detailing clients’ record of compliance were submitted at every court date.

In 2016 New York City expanded Supervised Release to all five boroughs. The eligibility requirements, screening process, and numerous other aspects of the program were changed. CJA continues to operate this new version of Supervised Release in Queens.

Queens Supervised Release

Queens Supervised Release accepted 301 clients in 2014. All but one client had exited the program by June 30, 2016.

Eight-five percent successfully completed the program, 11% had their supervision revoked (either because of failure to comply with program requirements, another arrest, or a failure to appear in court), and 4% were terminated for other reasons (e.g., the

defendant was detained on a case that pre-dated the Supervised Release case).

Completion of the program is at the discretion of the judge. Clients often remain in the program even if they are arrested on another charge if the arrest is not deemed serious enough to warrant expulsion. Clients often remain in the program after an FTA, particularly if they return to court voluntarily.

Exhibit 27

QSR Monthly Client Volume
January 1, 2014 to December 31, 2014

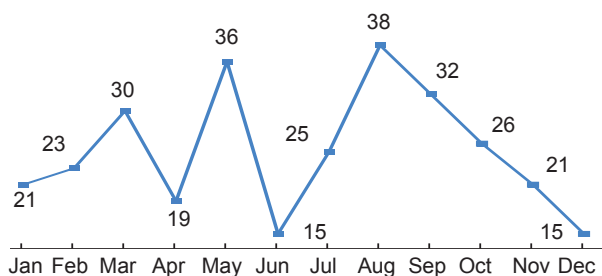
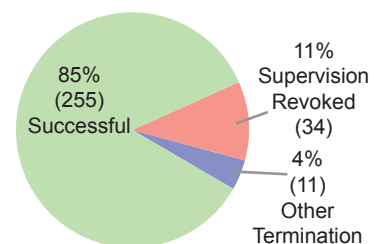


Exhibit 28

QSR Type of Completion
(as of June 30, 2016) N = 300

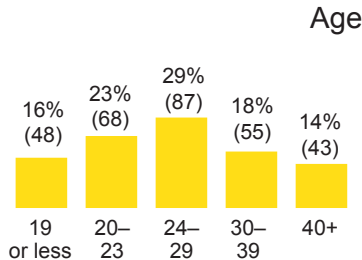


Queens Supervised Release

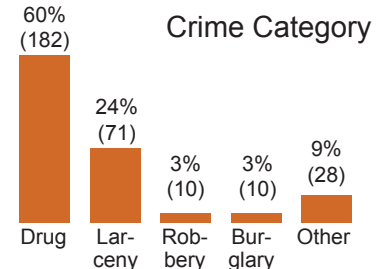
Exhibit 29

QSR Client & Case Characteristics (Clients Accepted in 2014), N = 301

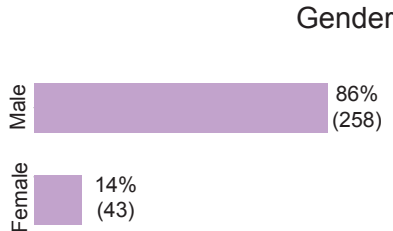
Sixteen percent of program clients were under 20 years of age, and 39% were age 23 or younger. Only 14% were age 40 or older.



Sixty percent of defendants were charged with a drug offense, 24% with larceny or possession of stolen property, 3% with robbery, and 3% burglary.



About 86% of program clients were male, and 14% were female.



Almost half were assessed to be in need of treatment, with 21% in need of substance abuse treatment, 11% mental health treatment, and 16% in need of both.

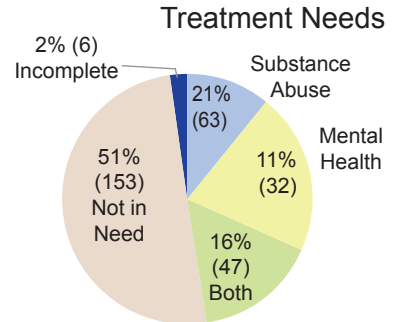
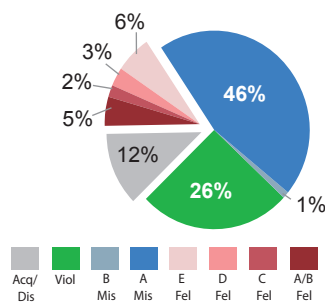


Exhibit 30

QSR Program Outcomes (Clients Accepted in 2014)

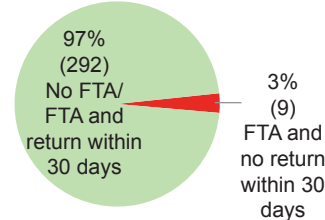
Of the 301 clients enrolled in the program in 2014, 270 were convicted and sentenced, or were acquitted or had their case dismissed, by June 30, 2016. The remaining clients had ongoing cases or were awaiting sentence. Fifteen percent were sentenced on a felony charge, 47% on a misdemeanor, 26% on a violation, and 12% received an acquittal or dismissal. Virtually all QSR clients were charged with a felony. Often the defendants enter a plea to a certain charge and after demonstrating to the judge efforts to engage in treatment and/or avoid misconduct, the severity is reduced at sentence. These numbers demonstrate the program's ability to help clients receive more favorable outcomes in their case than they may otherwise have received.

Charge at Sentence
N = 270

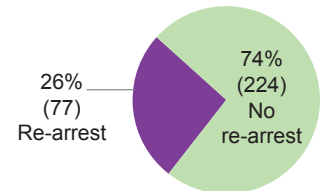


In-Program Misconduct
N = 301 Completed and Active

Adjusted Failure to Appear



Re-Arrest



Among all program clients (active as well as completed), there were 9 (3%) who had an FTA and did not return within 30 days, and 75 (25%) with a docketed in-program re-arrest. At the Court's discretion, not all misconduct resulted in revocation of supervision, with the result that many clients were able to complete the program successfully despite a re-arrest or FTA.

Supervised Release Programs

Manhattan Supervised Release

Building on nearly four years of experience in Queens, CJA began operating a supervised release program in Manhattan on April 8, 2013. Although defendant populations and cases differed in the two boroughs, both programs served persons charged with nonviolent felony offenses, and the programs shared the same objectives: reducing reliance on money bail and lowering pretrial detention for a population that does not pose a substantial risk to public safety.

Eligibility criteria were also the same for the two programs, except that fraud cases, which were not eligible in Queens because of their low likelihood of detention, were eligible in Manhattan. This difference was based on research showing that fraud charges in Manhattan (but not in Queens) were associated with a higher likelihood of detention.

Other restrictions described for Queens Supervised Release applied to the Manhattan program as well. In order to ensure that the program replaced detention because of an inability to make bail, defendants were excluded if they posed a low risk of failure to appear and were unlikely to have bail set.

The screening tests developed for Queens Supervised Release were adapted for the Manhattan defendant population. Procedures for evaluating client service needs and supervision requirements were also adapted from procedures that had already been tested and shown to work well in Queens. Social workers served as case managers in both programs, conducting the intake interviews and moni-

toring client progress through frequent face-to-face meetings and telephone calls.

In 2016 New York City expanded Supervised Release programs to all five boroughs. The eligibility requirements and processes for screening potentially eligible defendants changed substantially. CJA retained operation of the Queens Supervised Release Program. Another organization now runs the Manhattan program.

These exhibits present data for clients enrolled in the program in calendar year 2014. It tracks those clients through June 30, 2016.

Exhibit 31 presents the number of intakes in Manhattan by month for 2014. Volume spiked with 42 in June and dipped to a low of 11 in November.

Exhibit 32 shows that all clients who entered the program in 2014 had completed the program by June 30, 2016. Eighty-two percent successfully completed the program, 14% had supervision revoked (because of failure to comply with program requirements, another arrest, or a failure to appear in court), and 4% were terminated for other reasons (e.g., the ICE placed a hold on the defendant).

Clients often remain in the program if they are arrested on another charge or have an FTA. Completion of the program is at the discretion of the judge, and usually occurs when the case is adjudicated. The judge may decide to revoke supervision prior to adjudication because of a warrant or detention on a re-arrest, or for some other reason.

Exhibit 31
MSR Monthly Client Volume
January 1, 2014 – December 31, 2014

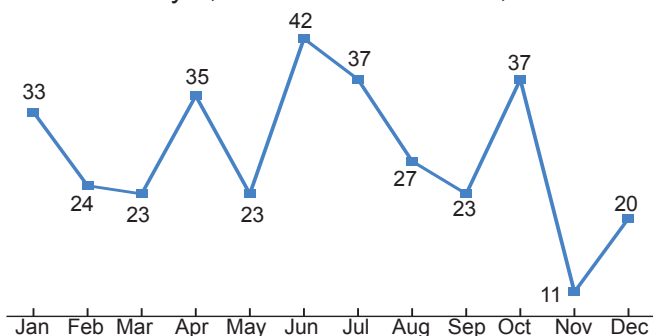


Exhibit 32
MSR Type of Completion
As of June 30, 2016 N = 335

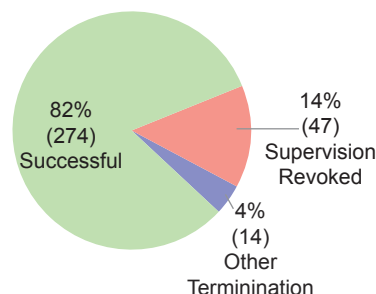
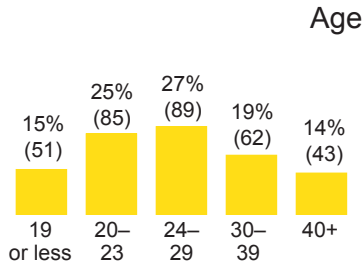


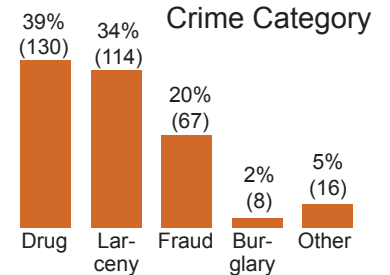
Exhibit 33

MSR Client & Case Characteristics (Clients Accepted in 2014), N = 335

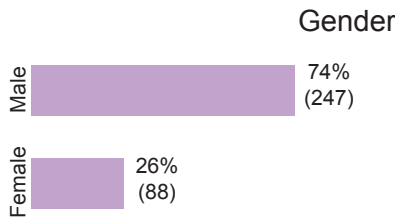
Fifteen percent of program clients were under 20 years of age, and 40% were age 23 or younger. Fourteen percent were age 40 or older.



Drug offenses were most common (39%), followed by larceny or possession of stolen property (34%), fraud (20%), and 2% burglary. (A few robbery charges are included in Other.)



About 74% of program clients were male, and 26% were female.



A substantial percentage (44%) were assessed to be in need of treatment, mostly for mental health problems, either alone (21%) or in combination with substance abuse (16%). Another 7% were in need of substance abuse treatment alone.

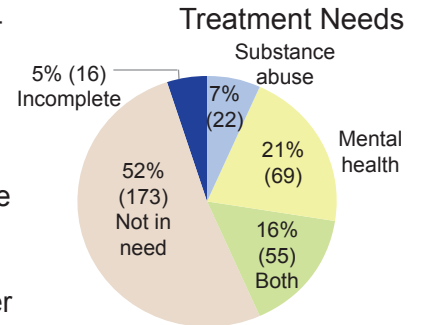
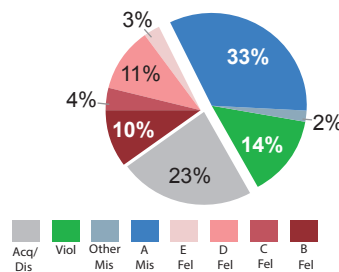


Exhibit 34

MSR Program Outcomes (Clients Accepted in 2014)

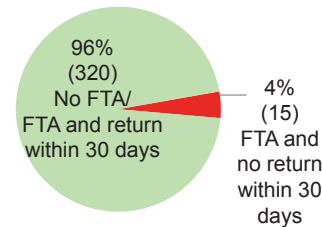
Of the 335 clients enrolled in the program in 2014, 299 were convicted and sentenced, or were acquitted or had their case dismissed, by June 30, 2016. The remaining clients had ongoing cases or were awaiting sentence. Twenty-eight percent were sentenced on a felony charge, 34% on a misdemeanor, 14% on a violation, and 23% received an acquittal or dismissal. Virtually all MSR clients were charged with a felony. Often the defendants enter a plea to a certain charge and after demonstrating to the judge efforts to engage in treatment and/or avoid misconduct, the severity is reduced at sentence. These numbers demonstrate the program's ability to help clients receive more favorable outcomes in their case than they may otherwise have received.

Charge at Sentence
N = 299

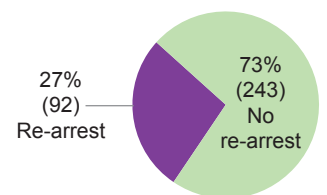


In-Program Misconduct
N = 335 Completed and Active

Adjusted Failure to Appear



Re-Arrest



Among all program clients there were 15 (4%) who had a warrant ordered for an FTA and failed to return within 30 days. Ninety-two (27%) had a docketed in-program re-arrest. At the Court's discretion, not all misconduct resulted in revocation of supervision, with the result that many clients were able to complete the program successfully despite a re-arrest or FTA.

NOTES

Notes on this page describe changes in the court system, in data collection procedures, or in the presentation of data that affect the comparability of exhibits from one year to the next.

Charge Type & Severity Of Local Laws & Administrative Codes

Prior to 2014, the severity and crime type of many local law charges (those that are not included in the Penal Law or the Vehicle & Traffic Law) could not be reported because the codes could not be read accurately in the files that CJA processes from the NYPD or the Office of Court Administration (OCA). During 2015, CJA's Planning Department began entering manually the charge type and severity classification for nearly every local law charge, thereby reducing the large number of cases excluded from Exhibits 5, 6, and 10 because of missing data. They also retroactively updated cases from the year 2014.

In this report, less than 1% of all cases were excluded from Exhibit 5 because of missing charge severity, compared to 6% in the 2013 Annual Report. None were excluded from Exhibit 6 (offense type) in 2015, compared to

9% excluded in 2013 because of missing data. A handful were still missing a charge type in 2015, but they were included with the new category "Local Law/Other," which comprised 9% of all top charges at arraignment.

In Exhibit 10, the number of cases with a lesser severity charge was reported to be much larger in 2015 than it would have been using the methodology of 2013 and earlier, but only because of the addition of severity class information for local law charges, most of which are violations and infractions.

For this reason, comparing Exhibits 5 and 6 to earlier years should be done with caution. For example, the proportion of felony cases Citywide in 2015 is affected by adding a large number of Local Law and Administrative Code charges to the base number, as is the Citywide proportion of cases in each crime category.

Pretrial Release And Failure To Appear

In a departure from previous years, the 2012 Annual Report for the first time presented pretrial release and FTA rates separately for felony and non-felony cases, regardless of the court of disposition. This structure has been retained permanently.

In earlier Annual Reports post-arraignment release and FTA rates were presented for cases disposed in Criminal Court and — in a separate section — for cases disposed in Supreme Court. We did not distinguish between felony and non-felony cases. There is much overlap between charge severity and the court of disposi-

tion, but the correspondence is not exact. Many felony charges entering arraignment are reduced and disposed in Criminal Court; misdemeanors can be upgraded and transferred to Supreme Court.

We believe that it is more useful to our readers to provide data separately for felony and non-felony cases, so we will continue to break down case outcomes by charge severity rather than court of disposition. For this reason, post-arraignment release and FTA rates presented in this report are not directly comparable to the rates presented in Annual Reports prior to 2012.

Bail Making At Arraignment

In previous years a coding error in data received from the Office of Court Administration (OCA) affected Exhibits 14 and 18. A non-standard code entered on court calendars caused a few cases to be categorized by OCA as having a defendant who made bail at arraignment when he or she was in fact held.

The incorrect coding began around 2006, affecting only Manhattan cases with very high bail, and it appears to have been restricted to cases in which the defendant was held pending the outcome of a bail source hearing.

The number of affected cases has fluctuated over the years. In 2014, 21% of Manhattan non-felony cases with bail over \$7,500 had a defendant who was supposedly released at arraignment. This proportion is almost certainly too high, as it is much larger than the proportions able to

make lower bail at arraignment. For example, only 13% of non-felony cases with bail set at \$500 or less made bail at arraignment in 2014.

The numbers in 2015 suggest the error may have been addressed. The rate of defendants in Manhattan making bail in higher amounts is now comparable to the other boroughs, although there is still no drop in bail-making in the highest bail range compared to the next lower range, as would be expected. At the time of the publication of this report, however, CJA had not yet been able to confirm that the coding issue was in fact fixed. The problem is especially noticeable in Exhibit 18, which reports bail-making in felony cases with an arrest in 2014: 10% apparently made bail among cases with bail over \$7,500, compared to only 4% when bail was in the range of \$2,501 to \$7,500.

CJA PUBLICATIONS

Research Reports Available on CJA's Website

www.nycja.org

Our most recent reports are listed here. For earlier reports see CJA's website.

Research Briefs

- No. 41 Post-Disposition Re-Arrests of Juvenile Offenders (2016)
- No. 40 Marijuana Possession Arrests in New York City — How Times Have Changed (2016)
- No. 39 Re-Arrests of Homeless Defendants in New York City (2016)
- No. 38 Juvenile Offenders: Re-Arrest and Court Outcomes (2015)
- No. 37 Arrested and Homeless in NYC (2015)
- No. 36 Impact of the Queens Supervised Release Program on Legal Outcomes (2015)
- No. 35 Paying Bail by Credit Card (2014)
- No. 34 Desk Appearance Tickets: *Their Past, Present, & Possible Future* (2014)
- No. 33 Case Processing in Brooklyn's Integrated DV Court (2014)
- No. 32 Queens Supervised Release: A Brief Program Description (2013)
- No. 31 The EVE Project (2013)
- No. 30 New York City's Bail System — A World Apart (2012)
- No. 29 Evaluation of Brooklyn's Video Statement Program for DV Cases (2012)
- No. 28 Implementing Brooklyn's Video Statement Program for DV Cases (2012)
- No. 27 How Release Type Affects Failure To Appear (2011)
- No. 26 Commercial Bail Bonds in New York City (2011)
- No. 25 Adolescent Male Domestic Violence Offenders (2011)
- No. 24 Predicting Post-Sentencing Re-Arrest (2010)
- No. 23 Making Bail in New York City (2010)
- No. 22 Domestic Violence Among Young Male Offenders (2010)
- No. 21 Juvenile Offenders and Weapons (2009)
- No. 20 The CASES Day Custody Program (2009)
- No. 19 Pretrial Failure Among New York City Defendants (2009)
- No. 18 Bail, Detention, & Felony Case Outcomes (2008)
- No. 17 Pretrial Misconduct Among Domestic Violence Defendants (2008)

Domestic Violence

- The Impact of the Kings County Integrated Domestic Violence Court on Case Processing (2014)
- Early Victim Engagement in Domestic Violence Cases (2013)
- The Kings County District Attorney's Video Statement Program for Domestic Violence Cases (2012)
- Arrest Histories of Adolescent Male Domestic Violence Offenders in New York City (2011)
- Young Male Domestic Violence Offenders in New York City (2010)
- Predicting Pretrial Misconduct Among Domestic Violence Defendants in New York City (2008)
- Pretrial Failure To Appear and Pretrial Re-Arrest Among Domestic Violence Defendants in New York City (2006)

Arrests of Juveniles

- Post-Disposition Re-Arrests of Juvenile Offenders (2016)
- Recidivism Among Juvenile Offenders in New York City, 2007-2012: A Comparison by Case Outcome (2015)
- Annual Report on the Adult Court Case Processing of Juvenile Offenders in New York City, available from 1998 through 2015
- Juvenile Offenders with Weapon Charges (2008)
- Recidivism Among Juvenile Offenders in New York City (2007)

Release and Bail

- New York's Credit Card Bail Experiment (2014)
- A Decade of Bail Research in New York City (2012)
- Effect of Release Type on Failure To Appear (2011)
- Commercial Bonds in New York City: Characteristics and Implications (2011)
- Making Bail in New York City: Commercial Bonds and Cash Bail (2010)
- Pretrial Detention and Case Outcomes, Part 2: Felony Cases (2008)
- Pretrial Detention and Case Outcomes, Part 1: Nonfelony Cases (2007)

Annual Report

- CJA Annual Report, available from 2003 through 2015

Re-Arrest

- Post-Sentencing Re-Arrest Among New York City Released Offenders: An Analysis of the Fourth Quarter of 2003 Dataset (2008, Revised 2010)
- Recidivism Among Defendants Charged with Felony Narcotics, Weapons or Sex Offenses in New York City (2009)
- Predicting the Likelihood of Pretrial Failure to Appear and/or Re-Arrest for a Violent Offense Among New York City Defendants: An Analysis of the 2001 Dataset (2009)
- Predicting the Likelihood of Pretrial Re-Arrest for Violent Felony Offenses and Examining the Risk of Pretrial Failure Among New York City Defendants: An Analysis of the 2001 Dataset (2006, Revised 2008)

Case Processing

- Misdemeanor Marijuana Arrests: New York City 2012-2014 (2015)
- *The Past, Present, and Possible Future of Desk Appearance Tickets in New York City* (2014)
- The Influence of Codis DNA Testing on the Arrest and Prosecution of Burglary and Sexual Assault Cases in New York City: An Exploratory Study (2011)

Alternatives To Incarceration/Detention

- Community Supervision as a Money Bail Alternative: The Impact of CJA's Manhattan Supervised Release Program on Legal Outcomes and Pretrial Misconduct (2016)
- Screening and Selecting Cases and Clients for CJA's Supervised Release Programs in Queens and Manhattan (2014)
- CJA's Supervised Release Programs and Manhattan Program Start-Up: Case Screening and Participant Selection Process (2014)
- CJA's Queens County Supervised Release Program: Impact on Court Processing and Outcomes (2013)
- The Center for Alternative Sentences and Employment Services' (Cases) Day Custody and Transitional Case Management Programs (2010)



NEW YORK CITY

CRIMINAL JUSTICE AGENCY

2015 Annual Report

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Peter C. Kiers
Acting Executive Director